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Yearbook 1996-1997

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In March 1947 the International Court of Justice instructed the Registrar to publish a *Yearbook* providing general information concerning its organization, jurisdiction, activities and administration.

The *Yearbook* appears in the second half of each year. The present volume — fifty-first of the series — covers the period from 1 August 1996 to 31 July 1997.

The *Yearbook* is prepared by the Registry and in no way involves the responsibility of the Court; in particular, the summaries of judgments, advisory opinions and orders contained in Chapter VI cannot be quoted against the actual texts of those judgments, advisory opinions and orders and do not constitute an interpretation of them.

Eduardo VALENCIA-OSPINA,
Registrar of the Court.

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INTRODUCTION

The *International Court of Justice*, which has its seat in The Hague, is the principal judicial organ of the United Nations.

It had as its predecessor the *Permanent Court of International Justice*, which was instituted by the League of Nations in 1920 and was dissolved in 1946.

I. Basic Texts

The constitutional texts of the Court are the Charter of the United Nations and the Statute of the Court. Other basic texts are the Rules of Court and the resolution concerning the internal judicial practice of the Court.

1. Charter of the United Nations

The International Court of Justice was brought into being by the Charter of the United Nations, signed at San Francisco on 26 June 1945. The Charter deals with the Court in Article 7, paragraph 1, Article 36, paragraph 3, and Articles 92-96, which form Chapter XIV.

2. Statute of the International Court of Justice

(a) *Text of the Statute*

By virtue of Article 92 of the Charter of the United Nations, the Statute of the Court is annexed to the Charter, of which it forms an integral part. The text of the Statute, which also was signed at San Francisco on 26 June 1945, is published by the Court in the volume *I.C.J. Acts and Documents No. 5*, pages 60-89.

The above-mentioned Article indicates that the Statute is based upon that of the *Permanent Court of International Justice*. The modifications are few in number, most of them being formal adaptations designed to take account of the replacement of the League of Nations by the United Nations. The *I.C.J. Yearbook 1946-1947*, pages 101-102, gives a list of the articles modified.

(b) *States parties to the Statute*

Article 93 of the Charter provides:

> "1. All Members of the United Nations are *ipso facto* parties to the Statute of the International Court of Justice.
>
> 2. A State which is not a Member of the United Nations may become a party to the Statute of the International Court of Justice

on conditions to be determined in each case by the General Assembly upon the recommendation of the Security Council."

The States parties to the Statute are listed in Chapter III, pages 64-70, of this *Yearbook*.

(c) *Amendments to the Statute*

According to Article 69 of the Statute, amendments to that instrument may be effected by the same procedure as is provided for amendments to the Charter. This procedure is set out in Chapter XVIII of the Charter (Arts. 108-109). Article 108 provides that amendments to the Charter "shall come into force for all Members of the United Nations when they have been adopted by a vote of two-thirds of the members of the General Assembly and ratified in accordance with their respective constitutional processes by two-thirds of the Members of the United Nations, including all the permanent members of the Security Council".

Article 69 of the Statute also specifies that provisions concerning the participation in the amendment procedure of States which are parties to the Statute but are not members of the United Nations may be adopted by the General Assembly upon recommendation of the Security Council (see Chap. III, pp. 69-70, below).

Furthermore, Article 70 of the Statute empowers the Court to propose of its own accord such amendments to the Statute as it may deem necessary.

No amendments have so far been made to the Statute.

3. Rules of Court

Article 30 of the Statute provides that "the Court shall frame rules for carrying out its functions. In particular, it shall lay down rules of procedure."

Rules of Court were adopted on 6 May 1946, and were published by the Court in the volume *I.C.J. Acts and Documents No. 1*, second edition, pages 54-83. They were based on the latest text of the Rules of the *Permanent Court*, that of 11 March 1936, with certain changes, formal and substantive, a list of which was given in *I.C.J. Yearbook 1946-1947*, pages 102-103.

From 1946 to 1972 the Rules remained unchanged, although from time to time the Court, which keeps its procedure under constant review, considered their modification. In 1967 a revision was undertaken (see *I.C.J. Yearbook 1967-1968*, p. 87; *I.C.J. Yearbook 1969-1970*, p. 114; *I.C.J. Yearbook 1970-1971*, pp. 109-110) and on 10 May 1972 the Court adopted some partial amendments of immediate interest. Amended and partly renumbered Rules of Court (see *I.C.J. Acts and Documents No. 3*, pp. 92-149) thus came into force on 1 September 1972. A Note by the Registry (*Background Note IV*, or see *I.C.J. Yearbook 1971-1972*, pp. 3-11) indicates the changes and gives a table of concordance between the 1946 Rules and those of 1972.

The work of revision was subsequently resumed, and culminated on 14 April 1978 in the adoption of a new set of Rules. These Rules of Court came into force on 1 July 1978 and as from that date replaced the 1972 amended version of those adopted in 1946. They were first published in *I.C.J. Acts and Documents No. 4* concurrently with the issue of *I.C.J. Background Note V*, entitled "Note by the Registry on the Revised Rules of Court (1978)", which includes a table of concordance as between the respective articles of the new set and its predecessor. For a rather more detailed account of the background the reader is referred to pages 111-119 of *I.C.J. Yearbook 1977-1978*, which feature an analytical table enabling the structure of the new set of Rules to be compared with that of the 1946 and 1972 sets, and a table of concordance as between the specific articles of the 1978, 1972 and 1946 Rules of Court. The current publication containing the 1978 Rules of Court is *I.C.J. Acts and Documents No. 5* (pp. 91-161).

II. Chronological Survey

The Charter of the United Nations and the Statute of the Court entered into force on 24 October 1945.

After the election of its Members, on 6 February 1946, the Court met for the first time in The Hague on 1 April of the same year.

The first case entered in the General List of the Court (*Corfu Channel (United Kingdom* v. *Albania)*) was submitted on 22 May 1947.

Between then and 31 July 1997 the Court has had to deal with a total of 97 cases, i.e., 75 contentious cases and 22 advisory cases, as listed below[1]. In those cases it gave 62 judgments, of which 39 were on the merits, and 23 advisory opinions. Of the 298 orders made therein, 226 related solely to the fixing or extending of time-limits, while 266 orders related to contentious cases and 32 to advisory cases.

Title	*Dates*
(a) Contentious[2]	
Corfu Channel (United Kingdom v. *Albania)*	1947-1949
Fisheries (United Kingdom v. *Norway)*	1949-1951
Protection of French Nationals and Protected Persons in Egypt (France v. *Egypt)*	1949-1950
Asylum (Colombia/Peru)	1949-1950
Rights of Nationals of the United States of America in Morocco (France v. *United States of America)*	1950-1952

[1] Factual information (dates, etc.) regarding the course of the proceedings in each case is given in *Background Notes II* and *II bis: Synopsis of cases referred to the International Court of Justice* (see p. 151, below).

[2] In the case of proceedings instituted by means of a special agreement the names of the parties are separated by an oblique stroke.

Title	*Dates*
Request for Interpretation of the Judgment of 20 November 1950 in the Asylum case (Colombia v. Peru)	1950
Haya de la Torre (Colombia v. Peru)	1950-1951
Ambatielos (Greece v. United Kingdom)	1951-1953
Anglo-Iranian Oil Co. (United Kingdom v. Iran)	1951-1952
Minquiers and Ecrehos (France/United Kingdom)	1951-1953
Nottebohm (Liechtenstein v. Guatemala)	1951-1955
Monetary Gold Removed from Rome in 1943 (Italy v. France, United Kingdom and United States of America)	1953-1954
Electricité de Beyrouth Company (France v. Lebanon)	1953-1954
Treatment in Hungary of Aircraft and Crew of United States of America (United States of America v. Hungary)	1954
Treatment in Hungary of Aircraft and Crew of United States of America (United States of America v. USSR)	1954
Aerial Incident of 10 March 1953 (United States of America v. Czechoslovakia)	1955-1956
Antarctica (United Kingdom v. Argentina)	1955-1956
Antarctica (United Kingdom v. Chile)	1955-1956
Aerial Incident of 7 October 1952 (United States of America v. USSR)	1955-1956
Certain Norwegian Loans (France v. Norway)	1955-1957
Right of Passage over Indian Territory (Portugal v. India)	1955-1960
Application of the Convention of 1902 Governing the Guardianship of Infants (Netherlands v. Sweden)	1957-1958
Interhandel (Switzerland v. United States of America)	1957-1959
Aerial Incident of 27 July 1955 (Israel v. Bulgaria)	1957-1959
Aerial Incident of 27 July 1955 (United States of America v. Bulgaria)	1957-1960
Aerial Incident of 27 July 1955 (United Kingdom v. Bulgaria)	1957-1959
Sovereignty over Certain Frontier Land (Belgium/Netherlands)	1957-1959
Arbitral Award Made by the King of Spain on 23 December 1906 (Honduras v. Nicaragua)	1958-1960
Aerial Incident of 4 September 1954 (United States of America v. USSR)	1958
Barcelona Traction, Light and Power Company, Limited (Belgium v. Spain)	1958-1961

Title	*Dates*
Compagnie du Port, des Quais et des Entrepôts de Beyrouth and Société Radio-Orient (France v. *Lebanon)*	1959-1960
Aerial Incident of 7 November 1954 (United States of America v. *USSR)*	1959
Temple of Preah Vihear (Cambodia v. *Thailand)*	1959-1962
South West Africa (Ethiopia v. *South Africa; Liberia* v. *South Africa)*	1960-1966
Northern Cameroons (Cameroon v. *United Kingdom)*	1961-1963
Barcelona Traction, Light and Power Company, Limited (New Application: 1962) (Belgium v. *Spain)*	1962-1970
North Sea Continental Shelf (Federal Republic of Germany/Denmark; Federal Republic of Germany/Netherlands)	1967-1969
Appeal Relating to the Jurisdiction of the ICAO Council (India v. *Pakistan)*	1971-1972
Fisheries Jurisdiction (United Kingdom v. *Iceland)*	1972-1974
Fisheries Jurisdiction (Federal Republic of Germany v. *Iceland)*	1972-1974
Nuclear Tests (Australia v. *France)*	1973-1974
Nuclear Tests (New Zealand v. *France)*	1973-1974
Trial of Pakistani Prisoners of War (Pakistan v. *India)*	1973
Aegean Sea Continental Shelf (Greece v. *Turkey)*	1976-1978
Continental Shelf (Tunisia/Libyan Arab Jamahiriya)	1978-1982
United States Diplomatic and Consular Staff in Tehran (United States of America v. *Iran)*	1979-1981
Delimitation of the Maritime Boundary in the Gulf of Maine Area (Canada/United States of America) [case referred to a Chamber]	1981-1984
Continental Shelf (Libyan Arab Jamahiriya/Malta)	1982-1985
Frontier Dispute (Burkina Faso/Republic of Mali) [case referred to a Chamber]	1983-1986
Military and Paramilitary Activities in and against Nicaragua (Nicaragua v. *United States of America)*	1984-1991
Application for Revision and Interpretation of the Judgment of 24 February 1982 in the Case concerning the Continental Shelf (Tunisia/Libyan Arab Jamahiriya) *(Tunisia* v. *Libyan Arab Jamahiriya)*	1984-1985
Border and Transborder Armed Actions (Nicaragua v. *Costa Rica)*	1986-1987
Border and Transborder Armed Actions (Nicaragua v. *Honduras)*	1986-1992

Title	*Dates*
Land, Island and Maritime Frontier Dispute (El Salvador/Honduras: Nicaragua intervening) [case referred to a Chamber][1]	1986-1992
Elettronica Sicula S.p.A. (ELSI) (United States of America v. *Italy)* [case referred to a Chamber]	1987-1989
Maritime Delimitation in the Area between Greenland and Jan Mayen (Denmark v. *Norway)*	1988-1993
Aerial Incident of 3 July 1988 (Islamic Republic of Iran v. *United States of America)*	1989-1996
Certain Phosphate Lands in Nauru (Nauru v. *Australia)*	1989-1993
Arbitral Award of 31 July 1989 (Guinea-Bissau v. *Senegal)*	1989-1991
Territorial Dispute (Libyan Arab Jamahiriya/Chad)	1990-1994
East Timor (Portugal v. *Australia)*	1991-1995
Maritime Delimitation between Guinea-Bissau and Senegal (Guinea-Bissau v. *Senegal)*	1991-1995
Passage through the Great Belt (Finland v. *Denmark)*	1991-1992
Maritime Delimitation and Territorial Questions between Qatar and Bahrain (Qatar v. *Bahrain)*	1991-
Questions of Interpretation and Application of the 1971 Montreal Convention arising from the Aerial Incident at Lockerbie (Libyan Arab Jamahiriya v. *United Kingdom)*	1992-
Questions of Interpretation and Application of the 1971 Montreal Convention arising from the Aerial Incident at Lockerbie (Libyan Arab Jamahiriya v. *United States of America)*	1992-
Oil Platforms (Islamic Republic of Iran v. *United States of America)*	1992-
Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosnia and Herzegovina v. *Yugoslavia)*	1993-
Gabčikovo-Nagymaros Project (Hungary/Slovakia)	1993-
Land and Maritime Boundary between Cameroon and Nigeria (Cameroon v. *Nigeria)*	1994-
Fisheries Jurisdiction (Spain v. *Canada)*	1995-
Request for an Examination of the Situation in Accordance with Paragraph 63 of the Court's Judgment of 20 December 1974 in the Nuclear Tests (New Zealand *v.* France) *Case*	1995
Kasikili/Sedudu Island (Botswana/Namibia)	1996-

[1] The intervention of Nicaragua was admitted on 13 September 1990 (see *I.C.J. Yearbook 1990-1991*, pp. 160-174).

Title	*Dates*
(b) Advisory	
Conditions of Admission of a State to Membership in the United Nations (Article 4 of the Charter)	1947-1948
Reparation for Injuries Suffered in the Service of the United Nations	1948-1949
Interpretation of Peace Treaties with Bulgaria, Hungary and Romania	1949-1950
Competence of the General Assembly for the Admission of a State to the United Nations	1949-1950
International Status of South West Africa	1949-1950
Reservations to the Convention on the Prevention and Punishment of the Crime of Genocide	1950-1951
Effect of Awards of Compensation Made by the United Nations Administrative Tribunal	1953-1954
Voting Procedure on Questions relating to Reports and Petitions concerning the Territory of South West Africa	1954-1955
Judgments of the Administrative Tribunal of the ILO upon Complaints Made against Unesco	1955-1956
Admissibility of Hearings of Petitioners by the Committee on South West Africa	1955-1956
Constitution of the Maritime Safety Committee of the Inter-Governmental Maritime Consultative Organization	1959-1960
Certain Expenses of the United Nations (Article 17, paragraph 2, of the Charter)	1961-1962
Legal Consequences for States of the Continued Presence of South Africa in Namibia (South West Africa) notwithstanding Security Council Resolution 276 (1970)	1970-1971
Application for Review of Judgement No. 158 of the United Nations Administrative Tribunal	1972-1973
Western Sahara	1974-1975
Interpretation of the Agreement of 25 March 1951 between the WHO and Egypt	1980
Application for Review of Judgement No. 273 of the United Nations Administrative Tribunal	1981-1982
Application for Review of Judgement No. 333 of the United Nations Administrative Tribunal	1984-1987
Applicability of the Obligation to Arbitrate under Section 21 of the United Nations Headquarters Agreement of 26 June 1947	1988
Applicability of Article VI, Section 22, of the Convention on the Privileges and Immunities of the United Nations	1989
Legality of the Use by a State of Nuclear Weapons in Armed Conflict	1993-1996
Legality of the Threat or Use of Nuclear Weapons	1994-1996

CHAPTER I

ORGANIZATION OF THE COURT

The organization of the International Court of Justice is governed by Articles 2-33 of the Statute of the Court and by Articles 1-18 and 32-37 of the Rules of Court.

I. Members of the Court

1. Composition of the Court[1]

The Court consists of 15 Members (Statute, Art. 3, para. 1).
On 31 July 1997 the composition of the Court was as follows:

Order of precedence	*Country*	*Date of expiry of term of office*
President S. M. Schwebel	United States	5 February 2006[2]
Vice-President		
C. G. Weeramantry	Sri Lanka	5 February 2000[2]
Judges S. Oda	Japan	5 February 2003
M. Bedjaoui	Algeria	5 February 2006
G. Guillaume	France	5 February 2000
R. Ranjeva	Madagascar	5 February 2000
G. Herczegh	Hungary	5 February 2003
Shi Jiuyong	China	5 February 2003
C.-A. Fleischhauer	Germany	5 February 2003
A. G. Koroma	Sierra Leone	5 February 2003
V. S. Vereshchetin	Russian Federation	5 February 2006
R. Higgins	United Kingdom	5 February 2000
G. Parra-Aranguren	Venezuela	5 February 2000
P. H. Kooijmans	Netherlands	5 February 2006
F. Rezek	Brazil	5 February 2006

The Members of the Court are elected for nine years, one-third of the total number of judges being elected every three years; they may be re-elected (Statute, Art. 13). In the event of a vacancy, an election is held and the new judge holds office for the remainder of his predecessor's

[1] For the composition of chambers, see pp. 17-18, below.
[2] The terms of office of Judges Schwebel and Weeramantry as President and Vice-President respectively expire in 2000.

term (Statute, Arts. 14 and 15). Though replaced, Members of the Court finish any cases they have begun (Statute, Art. 13, para. 3).

As required by Article 7 of the Statute, the Secretary-General of the United Nations prepares for each election a list of the persons nominated in accordance with Articles 5 and 6. The election is held by the General Assembly and the Security Council of the United Nations, proceeding independently of each other and simultaneously (Statute, Arts. 8-12). The States parties to the Statute of the Court which are not members of the United Nations take part in the election by the General Assembly in the same manner as Members of the United Nations (General Assembly resolution 264 (III) of 8 October 1948; see Chap. III, p. 69, below).

Members of the Court elected during the same session of the General Assembly whose terms of office begin on the same date take precedence according to seniority of age; Members elected at a previous session take precedence; in the event of immediate re-election a Member retains his former precedence (Rules, Art. 3, paras. 2-4).

The Court elects its President and Vice-President; they are both elected for three years and take precedence over the other judges (Statute, Art. 21, para. 1; Rules, Art. 3, para. 5, Arts. 10-14, Art. 18, para. 2, and Art. 32).

2. Changes in the Composition of the Court in 1996-1997

Until February 1997 the composition of the Court was as follows: Judge M. Bedjaoui, *President*; Judge S. M. Schwebel, *Vice-President*; Judges S. Oda, G. Guillaume, M. Shahabuddeen, C. G. Weeramantry, R. Ranjeva, G. Herczegh, Shi Jiuyong, C.-A. Fleischhauer, A. G. Koroma, V. S. Vereshchetin, L. Ferrari Bravo, R. Higgins and G. Parra-Aranguren.

On 6 November 1996, elections were held to fill the seats of Judges M. Bedjaoui, S. M. Schwebel, M. Shahabuddeen, V. S. Vereshchetin and L. Ferrari Bravo, whose terms of office were due to expire on 5 February 1997.

Judges M. Bedjaoui, S. M. Schwebel and V. S. Vereshchetin were re-elected. Mr. P. H. Kooijmans and Mr. F. Rezek were elected to be Members of the Court as from 6 February 1997.

The following had also been candidates in the elections: Messrs. M. Azimov, M. Güney, F. Orrego Vicuña, J. A. Pastor Ridruejo, P. Robinson and Judge M. Shahabuddeen.

On 6 February 1997 the Court elected Judge S. M. Schwebel to be President and Judge C. G. Weeramantry to be Vice-President.

3. Former Presidents and Vice-Presidents and Former Members of the Court

The following judges served as President or Vice-President before the present holders of those offices:

1946-1949, J. G. Guerrero and J. Basdevant;

1949-1952, J. Basdevant and J. G. Guerrero[1];
1952-1955, Sir Arnold McNair and J. G. Guerrero[1];
1955-1958, G. H. Hackworth and A. H. Badawi[2];
1958-1961, H. Klaestad and Sir Muhammad Zafrulla Khan;
1961-1964, B. Winiarski and R. J. Alfaro;
1964-1967, Sir Percy Spender and V. K. Wellington Koo;
1967-1970, J. L. Bustamante y Rivero and V. M. Koretsky;
1970-1973, Sir Muhammad Zafrulla Khan and F. Ammoun[3];
1973-1976, M. Lachs and F. Ammoun[3];
1976-1979, E. Jiménez de Aréchaga and Nagendra Singh;
1979-1982, Sir Humphrey Waldock[4] and T. O. Elias[5];
1982-1985, T. O. Elias[6] and J. Sette-Camara;
1985-1988, Nagendra Singh and G. Ladreit de Lacharrière[7];
1988-1991, J. M. Ruda and K. Mbaye;
1991-1994, Sir Robert Jennings[8] and S. Oda[8];
1994-1997, M. Bedjaoui and S. M. Schwebel.

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[1] While he was Vice-President of the Court, Judge Guerrero acted as President, by virtue of Article 13, paragraphs 1 and 2, of the 1946 Rules, in the following cases: *Corfu Channel (United Kingdom* v. *Albania)*; *Protection of French Nationals and Protected Persons in Egypt (France* v. *Egypt)*; *Rights of Nationals of the United States of America in Morocco (France* v. *United States of America)*; *Ambatielos (Greece* v. *United Kingdom)*; *Anglo-Iranian Oil Co. (United Kingdom* v. *Iran)*; *Minquiers and Ecrehos (France/United Kingdom)*; *Monetary Gold Removed from Rome in 1943 (Italy* v. *France, United Kingdom and United States of America)*.

[2] While he was Vice-President of the Court, Judge Badawi acted as President, by virtue of Article 13, paragraph 1, of the 1946 Rules, in the cases concerning *Interhandel (Switzerland* v. *United States of America)*, *Interim Protection*, and *Aerial Incident of 27 July 1955 (United States of America* v. *Bulgaria)*.

[3] While he was Vice-President of the Court, Judge Ammoun acted as President, by virtue of Article 11 and Article 13, paragraph 1, of the then Rules of Court, in *Appeal Relating to the Jurisdiction of the ICAO Council, Nuclear Tests (Australia* v. *France)*, *Interim Protection*, and *Nuclear Tests (New Zealand* v. *France)*, *Interim Protection*.

[4] Sir Humphrey Waldock died on 15 August 1981. The functions of the Presidency were thereafter exercised by T. O. Elias as Acting President, by virtue of Article 13, paragraph 1, and Article 14 of the 1978 Rules of Court.

[5] Vice-President El[illegible] was for a time Acting President in *Continental Shelf (Tunisia/Libyan Arab Jamahiriya)* and in the proceedings relating to the Orders made on 20 January and 1 February 1982 in *Delimitation of the Maritime Boundary in the Gulf of Maine Area (Canada/United States of America)*.

[6] Judge Elias continued to act as President in *Continental Shelf (Libyan Arab Jamahiriya/Malta)* after 5 February 1985, by virtue of Article 32, paragraph 2, of the 1978 Rules of Court.

[7] Judge Ladreit de Lacharrière died on 10 March 1987. On 6 May 1987 the Court elected Judge Mbaye to be its Vice-President for the remainder of his predecessor's term.

[8] While he was President of the Court, Sir Robert Jennings, being a national of one of the Parties, did not, in accordance with Article 32 of the Rules of Court, preside in the case concerning *Questions of Interpretation and Application of the 1971 Montreal Convention arising from the Aerial Incident at Lockerbie (Libyan Arab Jamahiriya* v. *United Kingdom)*. Vice-President Oda exercised the functions of the Presidency in that case, as well as in the case concerning *Questions of Interpretation and Application of the 1971 Montreal Convention arising from the Aerial Incident at Lockerbie (Libyan Arab Jamahiriya* v. *United States of America)*. (See *I.C.J. Yearbook 1991-1992*, p. 198.)

Apart from the present judges, the following have been Members of the Court (the names of those who have died are preceded by an asterisk):

	Country	*Period of Office*
* R. Ago	Italy	1979-1995
* A. Aguilar-Mawdsley	Venezuela	1991-1995
Prince B. A. Ajibola	Nigeria	1991-1994
* R. J. Alfaro	Panama	1959-1964
* A. Alvarez	Chile	1946-1955
* F. Ammoun	Lebanon	1965-1976
* E. C. Armand-Ugon	Uruguay	1952-1961
* Ph. Azevedo	Brazil	1946-1951
* A. H. Badawi	Egypt	1946-1965
* J. Basdevant	France	1946-1964
* R. R. Baxter	United States	1979-1980
* C. Bengzon	Philippines	1967-1976
* J. L. Bustamante y Rivero	Peru	1961-1970
* L. F. Carneiro	Brazil	1951-1955
* F. de Castro	Spain	1970-1979
* R. Córdova	Mexico	1955-1964
* Ch. De Visscher	Belgium	1946-1952
* H. C. Dillard	United States	1970-1979
* A. El-Erian	Egypt	1979-1981
A. El-Khani	Syria	1981-1985
* T. O. Elias	Nigeria	1976-1991
J. Evensen	Norway	1985-1994
* I. Fabela	Mexico	1946-1952
L. Ferrari Bravo	Italy	1995-1997
* Sir Gerald Fitzmaurice	United Kingdom	1960-1973
* I. Forster	Senegal	1964-1982
* S. A. Golunsky	USSR	1952-1953
A. Gros	France	1964-1984
* J. G. Guerrero	El Salvador	1946-1958
* G. H. Hackworth	United States	1946-1961
* Hsu Mo	China	1946-1956
* L. Ignacio-Pinto	Benin	1970-1979
Sir Robert Yewdall Jennings	United Kingdom	1982-1995

* P. C. Jessup	United States	1961-1970
* E. Jiménez de Aréchaga	Uruguay	1970-1979
* H. Klaestad	Norway	1946-1961
F. I. Kojevnikov	USSR	1953-1961
* V. M. Koretsky	USSR	1961-1970
* S. B. Krylov	USSR	1946-1952
* M. Lachs	Poland	1967-1993
* G. Ladreit de Lacharrière	France	1982-1987
* Sir Hersch Lauterpacht	United Kingdom	1955-1960
* Sir Arnold McNair	United Kingdom	1946-1955
K. Mbaye	Senegal	1982-1991
* G. Morelli	Italy	1961-1970
* L. M. Moreno Quintana	Argentina	1955-1964
* P. D. Morozov	USSR	1970-1985
H. Mosler	Fed. Rep. of Germany	1976-1985
* Nagendra Singh	India	1973-1988
Ni Zhengyu	China	1985-1994
C. D. Onyeama	Nigeria	1967-1976
* L. Padilla Nervo	Mexico	1964-1973
R. S. Pathak	India	1989-1991
* S. Petrén	Sweden	1967-1976
* Sir Benegal Rau	India	1952-1953
* J. E. Read	Canada	1946-1958
* J. M. Ruda	Argentina	1973-1991
J. Sette-Camara	Brazil	1979-1988
M. Shahabuddeen	Guyana	1988-1997
* Sir Percy C. Spender	Australia	1958-1967
* J. Spiropoulos	Greece	1958-1967
* K. Tanaka	Japan	1961-1970
* N. K. Tarassov	Russian Federation	1985-1995
* S. Tarazi	Syria	1976-1980
* Sir Humphrey Waldock	United Kingdom	1973-1981
* V. K. Wellington Koo	China	1957-1967
* B. Winiarski	Poland	1946-1967
* Sir Muhammad Zafrulla Khan	Pakistan	1954-1961 and 1964-1973
* M. Zoričić	Yugoslavia	1946-1958

II. Judges *Ad Hoc*

If in a case the Court, or a chamber of the Court, includes upon the Bench a judge of the nationality of one of the parties, any other party may choose a person to sit as judge; similarly, if the Court or the chamber includes upon the Bench no judge of the nationality of the parties, each of these parties may choose a judge (Statute, Art. 31; Rules, Arts. 7-8, Art. 17, para. 2, Arts. 35-37, Art. 91, para. 2, and Art. 102, para. 3). Should there be several parties in the same interest they are reckoned for this purpose as one party only (Statute, Art. 31, para. 5; Rules, Art. 36 and Art. 37, para. 2).

Since the institution of the Court, judges *ad hoc* have been chosen in the following cases (unless otherwise indicated, they held the nationality of the appointing party):

Corfu Channel (United Kingdom v. *Albania)*. Albania chose Mr. I. Daxner (Czechoslovakia), who sat upon the Bench when the preliminary objection was heard, and Mr. B. Ečer (Czechoslovakia), who sat when the case was heard on the merits and also for the assessment of amount of compensation.

Asylum (Colombia/Peru), Request for Interpretation of the Judgment of 20 November 1950 in the Asylum Case (Colombia v. *Peru)* and *Haya de la Torre (Colombia* v. *Peru)*. Mr. J. J. Caicedo Castilla was chosen by Colombia and Mr. L. Alayza y Paz Soldán by Peru.

Ambatielos (Greece v. *United Kingdom)*. Mr. J. Spiropoulos was chosen by Greece.

Anglo-Iranian Oil Co. (United Kingdom v. *Iran)*. Mr. K. Sandjabi was chosen by Iran.

Nottebohm (Liechtenstein v. *Guatemala)*. Mr. C. García Bauer[1] was chosen by Guatemala and Mr. P. Guggenheim (Switzerland) by Liechtenstein.

Monetary Gold Removed from Rome in 1943 (Italy v. *France, United Kingdom and United States of America)*. Mr. G. Morelli was chosen by Italy.

Right of Passage over Indian Territory (Portugal v. *India)*. Mr. M. Fernandes was chosen by Portugal and the Hon. M. A. C. Chagla by India.

Application of the Convention of 1902 Governing the Guardianship of Infants (Netherlands v. *Sweden)*. Mr. J. Offerhaus was chosen by the Netherlands and Mr. F. J. C. Sterzel by Sweden.

Interhandel (Switzerland v. *United States of America)*. Mr. P. Carry was chosen by Switzerland.

[1] The Government of Guatemala had first chosen as judge *ad hoc* Mr. J. C. Herrera and subsequently Mr. J. Matos, before choosing Mr. García Bauer.

Aerial Incident of 27 July 1955 (Israel v. *Bulgaria)*. Mr. Justice Goitein was chosen by Israel and Mr. J. Žourek (Czechoslovakia) by Bulgaria.

Aerial Incident of 27 July 1955 (United States of America v. *Bulgaria)*[1]. Mr. J. Žourek (Czechoslovakia) was chosen by Bulgaria.

Arbitral Award Made by the King of Spain on 23 December 1906 (Honduras v. *Nicaragua)*. Mr. R. Ago (Italy) was chosen by Honduras and Mr. F. Urrutia Holguín (Colombia) by Nicaragua.

Barcelona Traction, Light and Power Company, Limited (Belgium v. *Spain)*[1]. Mr. W. J. Ganshof van der Meersch was chosen by Belgium and Mr. F. de Castro by Spain.

South West Africa (Ethiopia v. *South Africa; Liberia* v. *South Africa)*. Sir Louis Mbanefo (Nigeria)[2] was chosen by Ethiopia and Liberia and the Hon. J. T. van Wyk by South Africa.

Northern Cameroons (Cameroon v. *United Kingdom)*. Mr. P. Beb a Don was chosen by Cameroon.

Barcelona Traction, Light and Power Company, Limited (New Application: 1962) (Belgium v. *Spain)*. Belgium chose Mr. W. J. Ganshof van der Meersch, who sat upon the Bench when the preliminary objections were heard, and Mr. W. Riphagen (Netherlands), who sat in the second phase. Spain chose Mr. E. C. Armand-Ugon (Uruguay).

North Sea Continental Shelf (Federal Republic of Germany/Denmark; Federal Republic of Germany/Netherlands). Mr. H. Mosler was chosen by the Federal Republic of Germany and Mr. M. Sørensen (Denmark) by Denmark and the Netherlands.

Appeal Relating to the Jurisdiction of the ICAO Council (India v. *Pakistan)*. Mr. Nagendra Singh was chosen by India.

Nuclear Tests (Australia v. *France)*. Sir Garfield Barwick was chosen by Australia.

Nuclear Tests (New Zealand v. *France)*. Sir Garfield Barwick (Australia) was chosen by New Zealand.

Trial of Pakistani Prisoners of War (Pakistan v. *India)*. Pakistan chose Sir Muhammad Zafrulla Khan, who sat in the proceedings on the request for interim measures up to 2 July 1973, and Mr. Muhammad Yaqub Ali Khan[3].

Western Sahara. Mr. A. Boni (Ivory Coast) was chosen by Morocco.

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[1] Case removed from the list before the Court had occasion to sit.

[2] The Governments of Ethiopia and Liberia had first chosen as judge *ad hoc* the Hon. J. Chesson, subsequently Sir Muhammad Zafrulla Khan and then Sir Adetokunboh A. Ademola, before choosing Sir Louis Mbanefo.

[3] This case was removed from the list before the Court had occasion to hear argument on the question of its jurisdiction.

Aegean Sea Continental Shelf (Greece v. *Turkey)*. Mr. M. Stassinopoulos was chosen by Greece.

Continental Shelf (Tunisia/Libyan Arab Jamahiriya). Mr. E. Jiménez de Aréchaga (Uruguay) was chosen by the Libyan Arab Jamahiriya and Mr. J. Evensen (Norway) by Tunisia.

Delimitation of the Maritime Boundary in the Gulf of Maine Area (Canada/United States of America) (case referred to a Chamber). Mr. M. Cohen was chosen by Canada.

Continental Shelf (Libyan Arab Jamahiriya/Malta). Mr. E. Jiménez de Aréchaga (Uruguay) was chosen by the Libyan Arab Jamahiriya. Mr. J. Castañeda (Mexico) was chosen by Malta and sat in the proceedings culminating in the Judgment on Italy's application for permission to intervene. Mr. N. Valticos (Greece) was chosen by Malta to sit when the case was heard on the merits.

Frontier Dispute (Burkina Faso/Republic of Mali) (case referred to a Chamber). Mr. F. Luchaire (France) was chosen by Burkina Faso and Mr. G. Abi-Saab (Egypt) by the Republic of Mali.

Military and Paramilitary Activities in and against Nicaragua (Nicaragua v. *United States of America)*. Mr. C.-A. Colliard (France) was chosen by Nicaragua.

Application for Revision and Interpretation of the Judgment of 24 February 1982 in the Case concerning the Continental Shelf (Tunisia/Libyan Arab Jamahiriya) *(Tunisia* v. *Libyan Arab Jamahiriya)*. Mrs. S. Bastid (France) was chosen by Tunisia and Mr. E. Jiménez de Aréchaga (Uruguay) by the Libyan Arab Jamahiriya.

Land, Island and Maritime Frontier Dispute (El Salvador/Honduras: Nicaragua intervening) (case referred to a Chamber). Mr. N. Valticos (Greece) was chosen by El Salvador and Mr. M. Virally (France) was chosen by Honduras. Following the death of Mr. Virally, Mr. S. Torres Bernárdez (Spain) was chosen by Honduras.

Maritime Delimitation in the Area between Greenland and Jan Mayen (Denmark v. *Norway)*. Mr. P. H. Fischer was chosen by Denmark.

Aerial Incident of 3 July 1988 (Islamic Republic of Iran v. *United States of America)*. Mr. M. Aghahosseini was chosen by the Islamic Republic of Iran.

Arbitral Award of 31 July 1989 (Guinea-Bissau v. *Senegal)*. Mr. H. Thierry (France) was chosen by Guinea-Bissau. Following the expiry of Judge Mbaye's term of office on 5 February 1991 Senegal no longer had a judge of its nationality on the bench. It therefore chose Mr. K. Mbaye to sit as judge *ad hoc*.

Territorial Dispute (Libyan Arab Jamahiriya/Chad). Mr. J. Sette-Camara (Brazil) was chosen by the Libyan Arab Jamahiriya and Mr. G. M. Abi-Saab (Egypt) by Chad.

East Timor (Portugal v. *Australia)*. Mr. A. de Arruda Ferrer-Correia was chosen by Portugal. Following his resignation, on 14 July 1994, Mr. K. J. Skubiszewski (Poland) was chosen by Portugal. Sir Ninian Stephen was chosen by Australia.

Passage through the Great Belt (Finland v. *Denmark)*. Mr. B. Broms was chosen by Finland and Mr. P. H. Fischer by Denmark.

Maritime Delimitation and Territorial Questions between Qatar and Bahrain (Qatar v. *Bahrain)*. Mr. J. M. Ruda (Argentina) was chosen by Qatar. Following the death of Mr. Ruda, Mr. S. Torres Bernárdez (Spain) was chosen by Qatar. Mr. N. Valticos (Greece) was chosen by Bahrain. He resigned for health reasons as from the end of the jurisdiction and admissibility phase of the case. Bahrain subsequently chose Mr. M. Shahabuddeen (Guyana) to sit as judge *ad hoc*.

Questions of Interpretation and Application of the 1971 Montreal Convention arising from the Aerial Incident at Lockerbie (Libyan Arab Jamahiriya v. *United Kingdom)*. Mr. A. S. El-Kosheri (Egypt) was chosen by the Libyan Arab Jamahiriya.

Questions of Interpretation and Application of the 1971 Montreal Convention arising from the Aerial Incident at Lockerbie (Libyan Arab Jamahiriya v. *United States of America)*. Mr. A. S. El-Kosheri (Egypt) was chosen by the Libyan Arab Jamahiriya.

Oil Platforms (Islamic Republic of Iran v. *United States of America)*. Mr. F. Rigaux (Belgium) was chosen by the Islamic Republic of Iran.

Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosnia and Herzegovina v. *Yugoslavia)*. Mr. E. Lauterpacht (United Kingdom) was chosen by Bosnia and Herzegovina and Mr. M. Kreća by Yugoslavia.

Gabčíkovo-Nagymaros Project (Hungary/Slovakia). Mr. K. J. Skubiszewski (Poland) was chosen by Slovakia.

Land and Maritime Boundary between Cameroon and Nigeria (Cameroon v. *Nigeria)*. Mr. K. Mbaye (Senegal) was chosen by Cameroon and Prince B. A. Ajibola by Nigeria.

Fisheries Jurisdiction (Spain v. *Canada)*. Mr. S. Torres Bernárdez was chosen by Spain and Mr. M. Lalonde by Canada.

Request for an Examination of the Situation in Accordance with Paragraph 63 of the Court's Judgment of 20 December 1974 in the Nuclear Tests (New Zealand *v.* France) *Case*. Sir Geoffrey Palmer was chosen by New Zealand.

III. Chambers

1. Chamber of Summary Procedure

The Statute (Art. 29) provides that, with a view to the speedy despatch of business, the Court shall form annually a Chamber composed of five judges which, at the request of the parties, may hear and determine cases by summary procedure. The Court also selects two judges for this Chamber for the purpose of replacing judges who find it impossible to sit. Under Article 15 of the Rules of Court, the President and Vice-President are members of this Chamber ex officio, the other members and the substitutes being elected. The Chamber of Summary Procedure has never as yet been called upon to meet.

The Chamber of Summary Procedure is at present composed as follows: President Schwebel; Vice-President Weeramantry; Judges Herczegh, Shi and Koroma, members; Judges Higgins and Parra-Aranguren, substitute members.

2. Chambers Provided for in Article 26, Paragraph 1, of the Statute

The Statute (Art. 26, para. 1) provides also that the Court may from time to time form one or more chambers, composed of three or more judges, as the Court may determine, for dealing with particular categories of cases; for example, labour cases and cases relating to transit and communications. Cases are heard and determined by these chambers if the parties so request.

In the past the Court has considered the question of the possible formation of a chamber to deal with environmental matters. On those occasions it took the view that it was not yet necessary to set up a standing special chamber, emphasizing that it was able to respond rapidly to requests for the constitution of a so-called *"ad hoc"* chamber (pursuant to Article 26, paragraph 2, of the Statute) which could deal also with any environmental case.

In view of the developments in the field of environmental law and protection which have taken place in the last few years, and considering that it should be prepared to the fullest possible extent to deal with any environmental case falling within its jurisdiction, the Court, in July 1993, deemed it appropriate to establish a seven-member Chamber for Environmental Matters to deal with such cases as parties might refer to it in accordance with Article 26 of the Statute. The Chamber is at present composed as follows: President Schwebel; Vice-President Weeramantry; and Judges Bedjaoui, Ranjeva, Herczegh, Fleischhauer and Rezek.

3. Chambers Formed under Article 26, Paragraph 2, of the Statute

The Statute (Art. 26, para. 2) provides that the Court may form a chamber for dealing with a particular case, the number of judges constituting such a chamber being determined by the Court with the approval of the parties.

Chambers of this kind have been formed at the joint request of the parties to deal with four cases. They are listed below with an indication of the date on which the respective Chamber was constituted and the names of its members.

Delimitation of the Maritime Boundary in the Gulf of Maine Area (Canada/United States of America): constituted on 20 January 1982; Judges Ago *(President)*, Gros, Mosler, Schwebel; Judge *ad hoc* Cohen.

Frontier Dispute (Burkina Faso/Republic of Mali): constituted on 3 April 1985; Judges Bedjaoui *(President)*, Lachs, Ruda; Judges *ad hoc* Luchaire, Abi-Saab.

Elettronica Sicula S.p.A. (ELSI) (United States of America v. *Italy)*: constituted on 2 March 1987 with the following composition – Judges Nagendra Singh *(President)*, Oda, Ago, Schwebel, Sir Robert Jennings. Following the death of Judge Nagendra Singh the Court, on 20 December 1988, elected President Ruda to succeed him as member and (ex officio) President of the Chamber.

Land, Island and Maritime Frontier Dispute (El Salvador/Honduras: Nicaragua [as from 13 September 1990] *intervening)*: constituted on 8 May 1987 with the following composition – Judges Oda, Sette-Camara, Sir Robert Jennings; Judges *ad hoc* Valticos, Virally. The Chamber elected Judge Sette-Camara to be its President. After the death of Judge Virally, Mr. Torres Bernárdez was chosen to sit as judge *ad hoc* in his place, and on 13 December 1989 the Court declared the Chamber to be composed as follows: Judges Sette-Camara *(President)*, Oda, Sir Robert Jennings; Judges *ad hoc* Valticos, Torres Bernárdez. On 7 February 1991 Judges Sir Robert Jennings and Oda exchanged places in the order of precedence within the Chamber owing to their election to be, respectively, the Court's President and Vice-President.

4. Provisions in the Rules relating to Chambers

Articles 15-18 and 90-93 of the Rules of Court contain the provisions relating to chambers.

IV. Assessors

Article 30, paragraph 2, of the Statute and Article 9 of the Rules of Court provide that the Court may, either *proprio motu* or upon a request made not later than the closure of the written proceedings, decide, for the purpose of a contentious case or request for advisory opinion, to appoint assessors to sit with it, without the right to vote. The chambers also have the power to appoint assessors.

These provisions have not been applied up to the present.

V. The Registrar

The Court appoints its Registrar (Statute, Art. 21, para. 2; Rules, Art. 22).

The present Registrar is Mr. Eduardo Valencia-Ospina (see Chap. V, p. 146, below).

VI. Privileges and Immunities

Article 19 of the Statute provides: "The Members of the Court, when engaged on the business of the Court, shall enjoy diplomatic privileges and immunities."

In the Netherlands, pursuant to an exchange of correspondence between the President of the Court and the Minister for Foreign Affairs, dated 26 June 1946, they enjoy, in a general way, the same privileges, immunities, facilities and prerogatives as Heads of Diplomatic Missions accredited to Her Majesty the Queen of the Netherlands (*I.C.J. Acts and Documents No. 5*, pp. 200-207). In addition, in accordance with the terms of a letter dated 26 February 1971 from the Minister for Foreign Affairs of the Netherlands, the President of the Court takes precedence over the Heads of Mission, including the Dean of the Diplomatic Corps, who is immediately followed by the Vice-President of the Court and thereafter the precedence proceeds alternately between Heads of Mission and the Members of the Court (*ibid.*, pp. 210-213).

By resolution 90 (1) of 11 December 1946 (*ibid.*, pp. 206-211), the General Assembly of the United Nations approved the agreement concluded with the Government of the Netherlands in June 1946 and recommended that ". . . if a judge, for the purpose of holding himself permanently at the disposal of the Court, resides in some country other than his own, he should be accorded diplomatic privileges and immunities during the period of his residence there" and that "... judges should be accorded every facility for leaving the country where they may happen to be, for entering the country where the Court is sitting, and again for leaving it. On journeys in connection with the exercise of their functions, they should, in all countries through which they may have to pass, enjoy all the privileges, immunities and facilities granted by these countries to diplomatic envoys."

The same resolution contains also a recommendation calling upon Members of the United Nations to recognize and accept United Nations laissez-passer issued to the judges by the Court. Such laissez-passer have been issued since 1950. They are similar in form to those issued by the Secretary-General of the United Nations.

Furthermore, Article 32, paragraph 8, of the Statute provides that the "salaries, allowances and compensation" received by judges "shall be free of all taxation".

CHAPTER II

BIOGRAPHIES OF JUDGES

Biographies of judges who held office in the period 1 August 1996 to 31 July 1997 will be found below.

I. Members of the Court on 31 July 1997

President Stephen M. Schwebel

(Member of the Court since 15 January 1981; re-elected as from 6 February 1988 and from 6 February 1997; member of the Chamber formed to deal with the case concerning *Delimitation of the Maritime Boundary in the Gulf of Maine Area (Canada/United States of America)*, 1981-1984, and of the Chamber formed to deal with the case concerning *Elettronica Sicula S.p.A. (ELSI)*, 1987-1989; Vice-President of the Court from 1994 to 1997, President of the Court since 6 February 1997)

Born in New York City, on 10 March 1929.

Harvard University, B.A. *magna cum laude* with highest honours in government (1950); Cambridge University, studies in international law (1951); LL.B., Yale Law School (1954). Doctor *honoris causa*, Bhopal University, India (1982), Hofstra University, New York (1996). Awarded the Yale Law School Medal of Merit (1997).

Admitted to the Bar of the State of New York (1955); of the Supreme Court of the United States (1965); and of the District of Columbia (1976).

Attorney, White & Case, New York (1954-1959).

Assistant Professor of Law, Harvard University (1959-1961).

Professor of International Law and subsequently Edward B. Burling Professor of International Law and Organization, the School of Advanced International Studies, The Johns Hopkins University, Washington, D.C. (1967-1981). Visiting lecturer or professor at Cambridge University (1957, 1983); the Australian National University (1969); the Hague Academy of International Law (1972); the Graduate Institute of International Studies, Geneva (1980); and at other universities or institutes in the United States and elsewhere.

Assistant Legal Adviser, Department of State (1961-1966); Special Assistant to the Assistant Secretary of State for International Organization Affairs (1966-1967); Consultant to the Department of State (1967-1973). Counselor on International Law, Department of State (1973-1974); Deputy Legal Adviser, Department of State (1974-1981).

Legal Adviser to the United States delegation, and Alternate Representative in the Sixth Committee, during sessions of the United Nations General Assembly (1961-1965). United States representative and chairman of the United States delegation to various committees of the United Nations, including the Special Committee on Principles of International Law concerning Friendly Relations and Co-operation among States (1964); the Special Committee on the Question of Defining Aggression (1971); and the UNCTAD Working Group on a Charter of Economic Rights and Duties of States (1973-1974).

Member of the International Law Commission of the United Nations (1977-1981). Chairman of the Drafting Committee (1978); Special Rapporteur on the Law of the Non-Navigational Uses of International Watercourses (1977-1981).

Participated as Associate Representative, Representative, Counsel or Deputy Agent of the United States in various cases before the International Court of Justice (between 1962 and 1980).

Arbitrator or president in international commercial arbitration (since 1982). Member of the Arbitral Tribunal in the *Eritrea-Yemen Arbitration* (1996).

Executive Vice-President and Executive Director of the American Society of International Law (1967-1973). Honorary Vice-President (since 1983). Honorary President (since 1996). President of the Administrative Tribunal of the International Monetary Fund (since January 1994).

Member of the Board of Editors, *American Journal of International Law* (1967-1981); Honorary Editor (since 1996). Chairman of the Editorial Advisory Committee, *International Legal Materials* (1967-1973).

Member of the Institute of International Law; the American Society of International Law; the American Branch of the International Law Association; the American Bar Association; and the Council on Foreign Relations. Honorary Fellow of the Lauterpacht Research Centre in International Law of Cambridge University. Member of the Board of Electors of the Whewell Professorship of International Law of Cambridge University. Former Member of the Board of Overseers' Committee to Visit the Harvard Law School. Chairman of the Supervisory Board of the Telders International Law Moot Court Competition.

Author of *The Secretary-General of the United Nations: His Political Powers and Practice*, 1952; *The Effectiveness of International Decisions*, 1971 (as editor); "Aggression, Intervention and Self-Defence in Modern International Law", *Recueil des cours*, Hague Academy of International Law, 1972; reports to the International Law Commission on the law of the non-navigational uses of international watercourses; *International Arbitration: Three Salient Problems* (1987); *Justice in International Law* (1994); and some one hundred articles, notes and book reviews in legal and other publications. Research and drafting assistant to United Nations Secretary-General Trygve Lie in the writing of *In the Cause of Peace*, 1954.

Vice-President Christopher Gregory WEERAMANTRY

(Member of the Court since 6 February 1991; Vice-President of the Court since 6 February 1997)

Born in Colombo, Sri Lanka, on 17 November 1926.

B.A.; LL.B.; LL.D. (University of London); LL.D. *(honoris causa)* (University of Colombo).

Advocate, Supreme Court of Sri Lanka (1948-1965). Lecturer and Examiner, Council of Legal Education, Sri Lanka (1951-1956). Commissioner of Assize, Supreme Court of Sri Lanka (1965-1967). Justice of the Supreme Court of Sri Lanka (1967-1972). Member, Council of Legal Education, Sri Lanka (1967-1972). Honorary Visiting Professor, University of Colombo (since 1984). Honorary Life Member, Bar Association of Sri Lanka.

Sir Hayden Starke Professor of Law, Monash University, Melbourne, Australia (1972-1991). Emeritus Professor of Law, Monash University (since 1991). Chairman, Commission of Inquiry into International Responsibility for Phosphate Mining on Nauru (1987-1988).

Panellist, Unesco Seminar on Teaching of Human Rights, Canberra (1980); Member, United Nations University Task Force on Human Rights (1982); Vice-Chairman, United Nations Centre against *Apartheid*/Government of Nigeria Conference on Legal Status of *Apartheid* Régime, Lagos (1984); Panellist, SCOPE/ENUWAR/UNU (Scientists' Committee on Problems of the Environment/Environmental Consequences of Nuclear War/United Nations University), International Conference on Nuclear Danger, Tokyo (1985); Lecturer, United Nations Human Rights Commission Seminar commemorating 40th anniversary of Universal Declaration of Human Rights, Palais des Nations, Geneva (1988); Editor, United Nations University/United Nations Human Rights Commission's two-volume study on Science, Technology and Human Rights (1988-1990); Co-ordinator, United Nations University/Netherlands Institute of Human Rights Workshop on Science, Technology and Human Rights, Utrecht (1989).

Visiting Professorships and Academic Appointments: University of Tokyo (1978); University of Stellenbosch (1979); University of Papua New Guinea (1981); University of Florida (1984); Lafayette College, Pennsylvania (1985); University of Hong Kong (1989).

Member, Editorial Board: *Sri Lankan Journal of International Law; Human Rights Quarterly*, Johns Hopkins University; *Interdisciplinary Peace Research*, La Trobe University; *Journal of Ceylon Law*; Advisory Board, *China Law Reports*.

Associate Academician, International Academy of Comparative Law, Paris; Vice-President, International Commission of Jurists, Victoria; Past President, World Federation of Overseas Sri Lankan Organizations; Vice-Patron, United Nations Association of Sri Lanka; Member, Club of Rome (Australia); Commonwealth Lawyers Association; Society of

Public Teachers of Law; World Association of Law Professors; Lawasia; World Association on the Philosophy of Law and Legal Philosophy.

Books: *The Law of Contracts, being a Comparative Study of the Roman-Dutch, English and Customary Laws of Contract in Ceylon* (2 vols.), 1965; *The Law in Crisis: Bridges of Understanding*, 1975; *Equality and Freedom: Some Third World Perspectives*, 1976; *Human Rights in Japan*, 1979; *Apartheid: The Closing Phases?*, 1980; *An Invitation to the Law*, 1980; *The Slumbering Sentinels: Law and Human Rights in the Wake of Technology*, 1983; *Law: The Threatened Peripheries*, 1984; *Nuclear Weapons and Scientific Responsibility*, 1987 (translated into Japanese); *Islamic Jurisprudence: Some International Perspectives*, 1988; *Human Rights and Scientific and Technological Development*, ed., 1990; *Nauru: Environmental Damage under International Trusteeship*, 1992; *The Impact of Technology on Human Rights: Global Case-Studies*, ed., 1993; *Justice without Frontiers*, Vol. I, *Furthering Human Rights*, 1997.

Reports: *Report of the Nauru Commission of Inquiry* (10 vols.), 1988 (joint author).

Articles in law journals in Asia, Africa, Australasia, Europe and North America.

Published lectures include: "Fundamental Perspectives on Equality and Freedom", World Congress on Equality and Freedom, St. Louis, Missouri (1976), an official event marking the American Bicentennial; "National and Transnational Systems as Denigrators of Human Rights", Unesco Seminar on Teaching of Human Rights, Canberra (1981); "The Right to Development", Lawasia Seminar on Establishment of a Regional Human Rights Framework for the Pacific, Suva (1985); "Cultural and Ideological Pluralism in Contemporary Public International Law", World Congress of International Academy of Comparative Law, Sydney and Melbourne (1986); "Traffic in Armaments: A Blind Spot in Human Rights and International Law", Joint Soviet/US International Conference on Nuclear Weapons and International Law, New York (1987); "Emerging Dimensions of Sovereignty in International Law", International Seminar on the Coming Global Civilization, Moscow (1988); "The Teaching of Human Rights", United Nations Seminar commemorating 40th anniversary of Universal Declaration of Human Rights, Geneva (1988); "The Law, Nuclear Weapons and the Real World", First World Convention of Lawyers against Nuclear Arms, The Hague (1989); "International Arbitration under the UNCITRAL Rules", Regional Seminar on International Arbitration, Kuala Lumpur (1989); "Judicial Reasoning under the Common Law", Commonwealth Law Conference, Auckland (1990); "The Importance of Philosophical Perspectives to the Judicial Process", 6 *Connecticut Journal of International Law* (1991); "Does International Law Matter?", *Inaugural Tun Hussein Onn Memorial Lecture*, Kuala Lumpur (1991); "The Right to Know: Freedom of Information as a Human Right", Commonwealth Law Conference, Cyprus (1993); "Introducing Human Rights to the Younger Genera-

tion", Unesco, Netherlands (1993); "The Constancy of the Judicial Obligation", Inaugural Fernando Memorial Lecture, Colombo (1994); "The World Court: Its Conception, Constitution and Contribution", *Inaugural Governor's Forum*, Melbourne, Victoria, Australia (1994); 1995 Martin Luther King Lecture, "On Earth as It Is in Heaven: A Vision of World Order for the 21st Century", *Tulsa Journal of Comparative and International Law*, 1995; "The International Court of Justice in the Age of Multiculturalism", 36 *Indian Journal of International Law* (1996); "The Function of the International Court of Justice in the Development of International Law", 10 *Leiden Journal of International Law* (1997).

Order of *Deshamanya* (Sri Lanka); Mohamed Sahabdeen Award for International Understanding in the SAARC Region, 1993.

Judge Shigeru ODA

(Member of the Court since 6 February 1976; re-elected as from 6 February 1985 and from 6 February 1994; member of the Chamber formed to deal with the case concerning the *Land, Island and Maritime Frontier Dispute (El Salvador/Honduras: Nicaragua intervening)*, 1986-1992, and of the Chamber formed to deal with the case concerning *Elettronica Sicula S.p.A. (ELSI)*, 1987-1989; Vice-President of the Court from 1991 to 1994; Acting President in the cases concerning *Questions of Interpretation and Application of the 1971 Montreal Convention arising from the Aerial Incident at Lockerbie (Libyan Arab Jamahiriya* v. *United Kingdom)* and *Questions of Interpretation and Application of the 1971 Montreal Convention arising from the Aerial Incident at Lockerbie (Libyan Arab Jamahiriya* v. *United States of America)*)

Born on 22 October 1924.

Law degree, University of Tokyo (1947). Doctor of Law (JSD), Yale University (1953). Doctor of Law, University of Tôhoku (1962). Presently Professor Emeritus of the Tôhoku University (since 1985) and Member of the Japan Academy (since 1994). Awarded the Yale Law School Medal of Merit (1997). Doctor *honoris causa* of the Bhopal University, India (1980), and of the New York Law School (1981).

Research Fellow in international law, University of Tokyo (1947-1949). Lecturer (1950-1953), Associate Professor (1953-1959) and Professor (1959-1976) at Tôhoku University. Technical Adviser to the Atomic Energy Commission (1961-1964) and to the Council for Marine Science and Technology in the Prime Minister's Office (1968-1971). Special Assistant to the Minister for Foreign Affairs (1973-1976). Member of the Science Council of the Ministry of Education (1969-1976), of the Council for Ocean Development in the Prime Minister's Office (1971-1976), and of the Advisory Committee for Co-operation with the United Nations University (1971-1976).

Delegate to the United Nations Conferences on the Law of the Sea

(1958, 1960 and 1973-1975); member of the United Nations Group of Experts on Marine Science and Technology (1967-1968); Alternate Representative of Japan on the United Nations Committee on the Peaceful Uses of the Sea-bed and Ocean Floor (1968-1973); Legal Consultant to the ESCAP Committee for Co-ordination of Joint Prospecting for Mineral Resources in Asian Offshore Areas (1969, 1972 and 1975). Member of the panel of the International Atomic Energy Agency on the Legal Implications of the Disposal of Radio-active Waste into the Sea (1961-1963) and of the Agency's group of experts for the Study of the Character and Purpose of Appropriate Observation of Peaceful Nuclear Explosions (1970). Representative of Japan at the sixth General Conference of the Inter-Governmental Oceanographic Commission (1969); Chairman of the Working Group on Legal Questions related to Scientific Investigations of the Ocean (1968-1975). Alternate Member of the Asian-African Legal Consultative Committee (1971-1975).

Counsel for the Federal Republic of Germany before the International Court of Justice in the *North Sea Continental Shelf (Federal Republic of Germany/Denmark; Federal Republic of Germany/Netherlands)* cases (1968).

Member of the Executive Council of the International Law Association of Japan. Associate (1969) and Member (1979) of the Institute of International Law. Honorary life Member of the American Society of International Law (1975). Honorary Member of the Japanese Society of International Law (1975). Honorary Member of the Indian Society of International Law. Member of the Curatorium of the Hague Academy of International Law (since 1987); Member of the Curatorium of the Institute of International Public Law and International Relations (Thessaloniki). Member of the International Council of Arbitration for Sport (since 1994). Member of the Board of the International Development Law Institute (since 1995).

Editor-in-chief of the *Japanese Annual of International Law* (1973-1977). General editor for *Publications on Ocean Development* and *International Law in Japanese Perspective* of Kluwer Law International (Martinus Nijhoff).

Lecturer on the "International Law of the Resources of the Sea" and on "The International Court of Justice Viewed from the Bench (1976-1993)" at the Hague Academy of International Law (*Recueil des cours*, Vol. 127, 1969, and Vol. 244, 1993).

Publications: in English – *International Control of Sea Resources*, reprinted edition with a new introduction, 1989; *The International Law of the Ocean Development* (4 vols.), 1972-1979; *The Law of the Sea in Our Time* (2 vols.), 1977; *International Law of the Resources of the Sea*, reprinted edition with supplement (1979); *The Practice of Japan in International Law 1961-1970* (edited with H. Owada), 1982; in Japanese – *International Law of the Sea* (1956, revised ed. 1969); *International Law of Marine Resources* (3 vols.), 1971-1975; *Judicial Decisions of the Japanese Courts involving International Law* (edited with T. Sogawa), 1978, revised

and updated edition, 1991; *The Law of the Sea*, Vol. I, 1979; *The Law of the Sea: 25 Years of Recollections*, 1981; *Treaties and Conventions* (edited with Y. Ishimoto), 1983, sixth revised ed., 1996; *Commentary on the United Nations Convention on the Law of the Sea*, Vol. I, 1985; *The International Court of Justice*, 1987; *A Collection of Essays on the Law of the Sea*, 1989; and various articles on international law in English and in Japanese.

Judge Mohammed BEDJAOUI

(Member of the Court since 19 March 1982; re-elected as from 6 February 1988 and from 6 February 1997; President of the Chamber formed to deal with the case concerning the *Frontier Dispute (Burkina Faso/Republic of Mali)*, 1983-1987; President of the Court from 1994 to 1997)

Born in Sidi-Bel-Abbes, Algeria, on 21 September 1929.

Doctor of Law (1955). Doctor *honoris causa* of the Universities of Hyderabad, Aix-en-Provence, Brussels and Kuwait. Diploma of the Institute of Political Studies, University of Grenoble (1952).

"Avocat stagiaire" at the Court of Appeal of Grenoble (1951-1953). Research Assistant at the Centre national de la recherche scientifique (CNRS), France (1956-1958).

Legal Adviser to the Provisional Government of the Republic of Algeria (1958-1961). Expert adviser to the Algerian delegation in the independence negotiations at Evian and Lugrin (1961).

Executive Secretary to the President of the National Constituent Assembly at Algiers (1962). Secretary-General of the Government (1962-1964).

Dean of the Faculty of Law and Economics of the University of Algiers (1964-1965).

Minister of Justice and Keeper of the Seals (1964-1970).

Algerian Ambassador to France (1970-1979). Permanent delegate of Algeria to Unesco (1971-1979). Ambassador and Permanent Representative of Algeria to the United Nations in New York (1979-1982).

Co-President of the United Nations Commission of Enquiry to Iran (February-March 1980). Vice-President of the United Nations Council for Namibia (1979-1982). Chairman of the Group of 77 (1981-1982). Chairman of the Committee on the Drafting of an International Convention against the Recruitment, Use, Financing and Training of Mercenaries (1981-1982). Member of the Arbitration Tribunal for the determination of the maritime boundary between Guinea and Guinea-Bissau (1983-1985). Member of the Arbitration Tribunal for the determination of the maritime boundary between Guinea-Bissau and Senegal (1985-1989). Arbitrator or President in several international commercial arbitrations.

Participated in various sessions of the United Nations General

Assembly as member, deputy-head or head of the Algerian delegation. Head of the Algerian delegations to the United Nations Conferences on Succession of States in Respect of Treaties (1977) and the Law of the Sea (1976-1980).

Took part in various sessions of the OAU Council of Ministers and OAU Summit Meetings, and in various ministerial meetings or conferences of heads of State and government of the non-aligned countries, as member, deputy-head or head of the Algerian delegation. United Nations Consultant Expert at the Vienna Conference on Succession of States in respect of State Property, Archives and Debts (1983).

Member of the International Law Commission (1965-1982).

Member of the Institute of International Law (since 1977). Member of the French Society for International Law. Member of the Scientific Council of the Institut du droit économique de la mer of the Principality of Monaco. Member of the Governing Board of the Foundation for International Studies of the University of Malta, Valletta. Member of the Independent Commission on International Humanitarian Issues (co-chaired by Prince Hassan bin Talal of Jordan and Prince Sadruddin Agha Khan) (1982-1987). Member of several award panels for international prizes, including that of the Albert Schweitzer Prize (United States of America). Member of the Jury for the Félix Houphouët-Boigny Peace Prize (Unesco). Member of the Unesco *Ad Hoc* Forum for Reflection (1992). Member of the Unesco International Consultative Committee on Bioethics. Member of the International Committee of Advisers of the Chinese International Law Institute, Beijing. Member of the International Council for Global Health Progress (since 1994). Member of the Independent World Commission on the Oceans (President: Mr. Mario Soarès) (since its establishment in 1995).

Recipient of various prizes and honours.

Holder of decorations of several States.

Author of eight books and over 150 articles.

Judge Gilbert GUILLAUME

(Member of the Court since 14 September 1987; re-elected as from 6 February 1991)

Born in Bois-Colombes, France, on 4 December 1930.

Licence (Bachelor's degree) in law, University of Paris. Diplôme from the Paris Institute of Political Studies; Diplôme d'études supérieures d'économie politique et de science économique (Diploma of Advanced Studies in Political Economy and Economic Science), University of Paris.

Alumnus of the Ecole nationale d'administration.

Member of the Council of State, as Auditeur (1957), then Maître des Requêtes (1963), and most recently Councillor of State (1981).

Legal Adviser to the State Secretariat for Civil Aviation (1968-1979);

French Representative on the Legal Committee of the International Civil Aviation Organization (ICAO) (1968-1979) and Chairman of the Committee (1971-1975); delegate to the diplomatic conferences on the suppression of the unlawful seizure of aircraft (The Hague, 1970), the suppression of unlawful acts against the safety of civil aircraft (Montreal, 1971) and air safety (Rome, 1973); President of the Diplomatic Conference on the Liability of the Carrier (Montreal, 1975); Head of the French delegations to the diplomatic conferences on the liability of the carrier vis-à-vis third parties (Montreal, 1978) and the non-use of force against civil aircraft (Montreal, 1984).

Chairman of the Conciliation Commission, Organisation for Economic Co-operation and Development (1973-1978); Member of the European Space Agency Appeals Board (1975-1978); Director of Legal Affairs, Organisation for Economic Co-operation and Development (1979).

Director of Legal Affairs, Ministry of Foreign Affairs (1979-1987).

Counsel for France in the arbitration proceedings between France and the United States over the Franco-American air agreement (1978); Agent for France in the arbitration proceedings between France and Canada over the Franco-Canadian fisheries agreement (1986); Agent for France in numerous cases before the Court of Justice of the European Communities and the European Commission and Court of Human Rights. French Representative on the Central Commission for the Navigation of the Rhine (1979-1987); Chairman of the Commission (1981-1982); French Representative on the Asian-African Legal Consultative Committee (1980-1987).

French delegate to the General Assembly of the United Nations (Sixth Committee) (1982-1987); Head of the French delegation to the Third United Nations Conference on the Law of the Sea (1982), the United Nations Conference on Succession of States in respect of State Property, Archives and Debts (Vienna, 1983) and the United Nations Conference on the Law of Treaties between States and International Organizations or between International Organizations (Vienna, 1986).

Member of the Permanent Court of Arbitration (since 1980). Member of the Court of Arbitration of the Organization for Security and Co-operation in Europe (OSCE). Designated arbitrator by the International Telecommunications Satellite Organization and by the International Civil Aviation Organization, the International Chamber of Commerce and the International Centre for the Settlement of Investment Disputes (ICSID).

President of the French branch of the International Law Association (ILA). Associate Member of the Institute of International Law. Vice-President of the French Society for International Law. Honorary Chairman of the French Society for Air and Space Law. Member of the International Institute of Law of the French-speaking Countries (IDEF). Member of the Académie de marine. Member of the Académie de l'air et de l'espace. Member of the International Academy of Comparative Law. Member of the Scientific Board of the *Revue générale de droit*

international public and of the Board of Directors of the *Annuaire français de droit international*. Chairman of the Board of Directors of the *Revue française de droit aérien et spatial*.

Author of numerous works and articles. Has given a course on "Terrorism and International Law" at the Hague Academy of International Law ("Terrorisme et droit international", *Recueil des cours*, Vol. 215, 1989). Author of a work on *Les grandes crises internationales et le droit* (1994).

Judge Raymond RANJEVA

(Member of the Court since 6 February 1991)

Born in Antananarivo, Madagascar, on 31 August 1942.

Bachelor's degree in law (1965), University of Madagascar, Antananarivo. *Diplôme* from the Madagascar National School of Administration (1966). Trainee in the Judicial Division of the Conseil d'Etat, Paris (1965-1966). *Diplôme* d'études supérieures de sciences politiques, University of Paris, Faculty of Law and Economic Science (1966). *Diplôme* d'études supérieures de droit public, University of Madagascar (1967). Doctorate of Law, University of Paris II (thesis: "La succession d'organisations internationales en Afrique"). *Agrégé* of the Faculties of Law and Economics, Public Law and Political Science section, Paris (1972).

Laureate of the University of Madagascar. Laureate of the National Association of Doctors of Law. Laureate of the Madagascar National School of Administration.

Civil Administrator (1966). Assistant (1966-1972), Lecturer (1972) and Professor (1981-1991) at the University of Madagascar. Professor at the Madagascar Military Academy and at the Madagascar National School of Administration. Director of the Public Law and Political Science Study Centre. Director of the Legal and Political Science Department of the University of Madagascar. Dean of the Faculty of Law, Economics, Management and Social Sciences (1982-1986); reappointed in 1986. First Rector of the University of Antananarivo (1988-1990). Associate or visiting lecturer at several universities abroad: University of Aix-Marseille III, Bordeaux I, Paris I (Panthéon-Sorbonne), Paris II (Panthéon-Assas) and the Institute of Advanced International Studies, La Réunion and Burundi. Director of the French-speaking research seminar at the Hague Academy of International Law (1987). Member (Ouagadougou, 1988) and President (Cotonou, 1992) of the Board of *Agrégation* Examiners of the African and Malagasy Council on Higher Education.

Conciliator at the World Bank International Centre for Settlement of Investment Disputes since 1970. Member of Malagasy delegations to several international conferences: Third United Nations Conference on the Law of the Sea; Preparatory Commission for the International Seabed Authority and the Law of the Sea Tribunal; United Nations General Assembly (1979-1990); Non-Aligned Countries (1979); Conference of

States which use French (1987); Head of the Malagasy delegation to the United Nations Conference on Succession of States in respect of Treaties, Vienna (1976-1977); Member of the Malagasy delegation responsible for negotiating the revision of the co-operation agreements with France (1973); First Vice-Chairman of the First African Seminar on International Humanitarian Law, Yaoundé (1977). Vice-President for Africa of the International Conference of French-Speaking Faculties of Law and Political Science (1987-1991).

Counsel to the Republic of Mali in the case concerning the *Frontier Dispute (Burkina Faso/Republic of Mali)*. Consultant for Madagascar on the amicable settlement of the transfer to the State of the activities of Eau-Electricité de Madagascar and Electricité de France (1973). Member of the Court of Arbitration for Sport (since 1995).

Member and Vice-President of the Malagasy Academy (1974); President of the ethics and political science section (1975-1991). Managing Director of JURECO: legal, economic and financial databank research and advisory bodies (1986-1990). Editor of the periodical *Lettre mensuelle de Jureco* (1986-1988). Member of the French Society of International Law. Member of the Quebec Society of International Law. Member of the Governing Body of the African Society of International and Comparative Law.

Member of the National Constitutional Committee (1975). Founding Member of the Malagasy Human Rights Committee (1971). Legal adviser to the Catholic Bishops Conference, Madagascar. Secretary-General of the Malagasy Legal Studies Society.

Commandeur of the National Order of Madagascar. Chevalier of the Madagascar Order of Merit. Officer of the National Order of Mali. Six Honours.

Author of numerous books, essays and articles and has given lectures at a number of seminars.

Judge Géza HERCZEGH

(Member of the Court since 10 May 1993; re-elected as from 6 February 1994)

Born in Nagykapos, on 17 October 1928.

Educated at French Grammar School in Gödöllö, Hungary.

Bachelor's degree in law, University of Szeged (1951); Candidate in Jurisprudence (Ph.D.) (1965); Doctor *honoris causa* at the Law Faculty of the University of Marburg, Germany (1990); Corresponding Member (1985), and Member of the Hungarian Academy of Sciences (1990); Vice-President of the Department of Legal and Economic Sciences of the Hungarian Academy of Sciences (1990-1993).

Research Fellow in public international law at the Institute of Political Sciences, Budapest (1951-1967); studies as Senior Fellow at various insti-

tutes, e.g. in Paris (1966), Salzburg (1970); Professor of Law, Head of the International Law Department of the Law Faculty of the University of Pécs (1967-1990); Dean of the Law Faculty of the University of Pécs (1981-1987); lectured in international humanitarian law at several universities (e.g., Bayreuth, Bratislava, Cambridge, Cracow, Exeter, Graz, Marburg, Moscow, Osijek, Novi Sad, Vienna) (1970-1985); lecturer in seminars for the implementation and dissemination of international humanitarian law, Warsaw (1985), Vegimont (1989).

Judge and Vice-President of the Constitutional Court of the Republic of Hungary (1990-1993).

Represented the Hungarian Red Cross Society as expert on international humanitarian law at the conferences of The Hague (1971), Vienna (1972), Tehran (1973), Monaco (1984); governmental expert on international humanitarian law at the conferences of Geneva (1971 and 1972); member of the Hungarian delegation at the Diplomatic Conference of Geneva on the protection of victims of armed conflicts (1974-1977); served as Vice-President of the Third Commission of the same Conference; member of the Hungarian delegation at the Unesco Conference in Sophia (1985); Rapporteur at the Third Conference on Parliamentary Democracy organized by the Council of Europe on the topic "Problems of Transition from an Authoritarian or Totalitarian Régime to a Genuinely Democratic System", Strasbourg (1991); member of the expert working group ("Badinter Group") preparing the draft convention on peaceful settlement of disputes within the framework of the Conference on Security and Co-operation in Europe, Paris (1992).

Author of the following works: *The Colonial Question and International Law* (in Hungarian), 1962; *General Principles of Law and the International Legal Order*, Series in Foreign Languages, 1969; *Development of International Humanitarian Law*, 1984; *Foreign Policy of Hungary, 896-1919* (in Hungarian), 1987; and of numerous articles in international law and relations, especially in international humanitarian law.

Judge Shi Jiuyong

(Member of the Court since 6 February 1994)

Born in Zhejiang, China, on 9 October 1926.

B.A. in Government and Public Law, St. John's University, Shanghai (1948); M.A. in International Law, Columbia University, New York, United States of America (1951); research in international law at Columbia University, New York (1951-1954).

Assistant Research Fellow in International Law, Institute of International Relations, Beijing, China (1956-1958). Senior Lecturer, Associate Professor of International Law, Foreign Affairs College, Beijing (1958-1964). Research Fellow in International Law, Institute of International Law, Beijing (1964-1973). Research Fellow in International

Law, Institute of International Studies, Beijing (1973-1980). Professor of International Law, Foreign Affairs College, Beijing (1984-1993). Professor of Law, Foreign Economic Law Training Centre, Ministry of Justice of the People's Republic of China, Beijing (1987-1988).

Adviser, Chinese Society of International Law, Beijing. Council member, Institute of Hong Kong Law of the Chinese Law Society, Beijing. Member, American Society of International Law.

Legal Adviser, Ministry of Foreign Affairs, People's Republic of China (1980-1993). Legal Adviser, Office of the Chinese Senior Representative, Sino-British Joint Liaison Group (on the question of Hong Kong) (1985-1993). Legal Adviser, Chinese Centre of Legal Consultancy, Beijing (1989-1993). Member, Standing Committee, Beijing Committee (1988-1993), and member, Eighth National Committee (1993), Chinese People's Political Consultative Conference.

Legal Adviser, Chinese delegation to the 1980 Annual Meeting of the Boards of Governors of the International Monetary Fund and the International Bank for Reconstruction and Development. Legal Adviser, delegation of the Ministry of Finance of the People's Republic of China for the formal visit to the International Bank for Reconstruction and Development (1980). Adviser, Chinese delegation to the thirty-fifth session of the General Assembly of the United Nations and China's Alternate Representative to the Sixth Committee at that session. Adviser, Chinese delegation to the thirty-sixth, thirty-seventh and thirty-eighth sessions of the United Nations General Assembly and China's delegate to the Sixth Committee at the same sessions (1981-1983). Delegate, Chinese delegation to the sessions of the Asian-African Legal Consultative Committee in 1981, 1985 and 1993. Legal Adviser, Chinese delegation to the talks between the Government of China and the Asian Development Bank on the question of China's membership in the Bank (1986). Legal Adviser of the Chinese side, Working Group of the Sino-British Negotiations on the question of Hong Kong (1984). Legal Adviser of the Chinese side, Sino-British Joint Liaison Group (on Hong Kong), plenary sessions (1985-1993). Delegate, Chinese delegation, legal consultations between the Ministry of Foreign Affairs of the People's Republic of China and the Department of State of the United States of America (1983 and 1984). Delegate, Chinese delegation, negotiations between the Government of the People's Republic of China and the Government of the United States of America on Mutual Promotion and Protection of Investment Agreement (1983 and 1984). Representative of the International Law Commission to the forty-fifth session of the United Nations General Assembly (1990). Expert from China, Senior Legal Experts Meetings on Review of Montevideo Programme, United Nations Environment Programme, 5-6 July 1991 at Geneva and 5-7 September 1991 at Nairobi. Representative of the International Law Commission to the thirtieth meeting of the Asian-African Legal Consultative Conference, Cairo, 22-27 April 1991. Legal Adviser to the Chinese delegation, Disarmament Conference, November 1991 to August 1992.

Member (1987-1993), Rapporteur (1988) and Chairman (1990) of the International Law Commission.

Member, Foreign Economic and Trade Arbitration Commission, China Council for the Promotion of International Trade (1984-1988). Member of the Steering Committee on revision of the Hague Convention of 1907 on Pacific Settlement of International Disputes of the Permanent Court of Arbitration (since 1994).

Taught general course of international law, Foreign Affairs College, Beijing (1958-1963). Taught general course of international economic law, Department of Law, Peking University (1980-1985). Taught general course of international economic law, Foreign Economic Law Training Centre, Ministry of Justice of the People's Republic of China (1988).

Lectures on international financial institutions, National Bureau of Oceanography, the People's Republic of China (1986). Lectures on principles of international law relating to the new international economic order, Department of Law, Peking University (1988). Lectures on protection of private foreign investment (in English), the Hague Academy of International Law, Regional Programme, Beijing (1987). Lecture on the Sino-British Joint Declaration on the question of Hong Kong (in English), Graduate Institute of International Studies, Geneva (1988). Lecture on autonomy in international law and the case of the future Hong Kong Special Administrative Region (in English), International Law Seminar, United Nations Office at Geneva (1988). Lecture on "Nationality of Hong Kong Residents: Present and Future", Graduate Studies, Foreign Affairs College (1988). Lecture on certain issues relating to the legal status of the future Hong Kong Special Administrative Region, Graduate Studies, Department of Law, Peking University (1989). Lectures on international trade regulation, Foreign Service Training Programme of the Ministry of Foreign Affairs of the People's Republic of China (1985 and 1986). Lectures on problems of international economic law, Department of Law, Chinese People's University, Beijing (1987). Chairman, panel discussions on the new international economic order, Beijing Conference on the Law of the World, World Peace through Law (1990). Participant, Symposium on the International Law of Arms Control and Disarmament, held at Geneva (February 1991). Lectures on the International Law Commission, Graduate Studies, Department of Law, Peking University (March 1991). Lectures on selected topics of international economic law, Graduate Studies, Foreign Affairs College (September-October 1991). Participant in the Seminar on the Draft Code of Crimes and International Criminal Jurisdiction, sponsored by the Foundation for the Establishment of an International Criminal Court and International Criminal Law Commission, Talloires, France (May 1991). Lectures on bilateral investment protection agreements (in English), International Law Seminar, United Nations Office at Geneva (June 1992). Participant, Symposium on Teaching, Dissemination and Research of International Law in Developing Countries, Beijing, 1992.

Author of numerous publications on international law.

Judge Carl-August FLEISCHHAUER

(Member of the Court since 6 February 1994)

Born in Düsseldorf, Germany, on 9 December 1930.

Studied at the Universities of Heidelberg, Grenoble and Paris. First State Examination (Law), Heidelberg (1954). Fulbright Scholar, University of Chicago Law School (1954-1955). Junior Barrister Düsseldorf/Heidelberg (1955-1959). Dr. jur., Heidelberg. Second State Examination (Law), Stuttgart (1960). Hague Academy of International Law (1960).

Research Fellow at the Max Planck Institute for International and Foreign Public Law, Heidelberg (1960-1962).

Entered the diplomatic service of the Federal Republic of Germany in 1962. Foreign assignments to Tehran (1962-1963) and Montevideo (1969-1971). Official (1964-1969), Deputy Head (1971) and Head (1972), International Law Section, Legal Department, Federal Foreign Office. Legal Adviser to the Federal Foreign Office and Director-General of the Legal Department (1976-1983).

Member of the Committee of Experts on Human Rights, Council of Europe, Strasbourg (1964-1967). Member of the delegation of the Federal Republic of Germany to the United Nations Conference on the Law of Treaties, Vienna (1968-1969). Observed Sixth Committee during parts of the twenty-third and twenty-fourth sessions of the General Assembly for the then Observer Mission of the Federal Republic of Germany (1968 and 1969). Member of the delegation of the Federal Republic of Germany to the United Nations General Assembly (twenty-eighth to thirty-third sessions as Adviser and Special Adviser, thirty-fourth to thirty-seventh sessions as Alternate Representative) (1973-1982). Alternate Representative and Representative of the Federal Republic of Germany in the Sixth Committee. Representative of the Federal Republic of Germany (1978-1979), on the *Ad Hoc* Committee of the Sixth Committee on the elaboration of the International Convention against the Taking of Hostages. Member of the delegation of the Federal Republic of Germany to the CSCE (Geneva Phase, Helsinki Final Phase) (1974-1975). Member (Vice-Chairman) of the delegation of the Federal Republic of Germany to the Diplomatic Conference on Humanitarian Law applicable in Armed Conflicts, Geneva (1974-1977). Head of the delegation of the Federal Republic of Germany to the United Nations Conference on State Succession in relation to Treaties, Vienna (1977-1978). Member (from 1977 Vice-Chairman) of the delegation of the Federal Republic of Germany to the Third United Nations Conference on the Law of the Sea (1974-1982). Has participated in numerous bilateral meetings and negotiations.

Under-Secretary-General for Legal Affairs, the Legal Counsel of the United Nations (1983-1994).

Was actively engaged, on the side of the Federal Republic of Germany,

in the following cases before the Court: *North Sea Continental Shelf (Federal Republic of Germany/Denmark; Federal Republic of Germany/Netherlands)* (1967-1969); and *Fisheries Jurisdiction (Federal Republic of Germany* v. *Iceland)* (1972-1974). Was actively engaged, on the side of the United Nations, in the advisory cases on the: *Application for Review of Judgement No. 333 of the United Nations Administrative Tribunal* (1984-1987); *Applicability of the Obligation to Arbitrate under Section 21 of the United Nations Headquarters Agreement of 26 June 1947* (1988); and *Applicability of Article VI, Section 22, of the Convention on the Privileges and Immunities of the United Nations* (1989).

Honorary member of the Indian Society of International Law (since 1985). Member of the German Society of International Law and, since 1977, of the Council of the Society. Member of the American Society of International Law. Member of the Curatorium of the Max Planck Institute for International and Foreign Public Law, Heidelberg (since 1975). Member of the Heidelberg Society for International and Foreign Public Law. Member of the Société française pour le droit international.

Awarded the German Cross of Merit, First Class, and several foreign decorations (all before 1983).

Author of numerous publications on international law.

Judge Abdul G. KOROMA

(Member of the Court since 6 February 1994)

Born in Freetown, Sierra Leone, on 29 September 1943.

LL.M. (Honours), University of Kiev. Master of Philosophy (International Law), King's College, University of London; Barrister-at-Law, and Honorary Bencher, Honourable Society of Lincoln's Inn, London. LL.D. *honoris causa*, University of Sierra Leone.

Joined the Government service of Sierra Leone in 1964 and the Ministry of Foreign Affairs in 1969. As a Barrister and Legal Practitioner of the High Court of Sierra Leone, was appointed State Counsel and Special Adviser to the Attorney-General and Minister of Justice. Served as Legal Adviser to the Permanent Mission of Sierra Leone to the United Nations. Served as Ambassador Extraordinary and Plenipotentiary of Sierra Leone to the United Nations, New York, while concurrently accredited as High Commissioner of Sierra Leone to Jamaica and Trinidad and Tobago, and Ambassador to the Republic of Korea (Seoul) and Cuba (1981-1985). Served as Ambassador Extraordinary and Plenipotentiary to Belgium, France, Luxembourg and the Netherlands while concurrently accredited to the European Communities and to the United Nations Educational, Scientific and Cultural Organization (Unesco) (1985-1988). Served as Ambassador Extraordinary and Plenipotentiary of Sierra Leone to the Organization of African Unity (OAU) with concurrent accreditation to Ethiopia, Kenya, the United Republic of Tanzania and Zambia (1988-1992).

Played an active role in and contributed to the elaboration of many contemporary international legal instruments. As delegate to the General Assembly, served on the Sixth Committee (Legal) from 1977 to 1994 and was elected Chairman. Also served as delegate of Sierra Leone to the following United Nations bodies: the Special Committee on the Review of the Charter and on the Strengthening of the Role of the Organization; the United Nations Commission on International Trade Law (UNCITRAL); the United Nations Committee on the Peaceful Uses of Outer Space; the United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law; served as Chairman of the United Nations Special Committee on the granting of independence to colonial countries and peoples (Committee of 24); headed various United Nations missions on the observance of the exercise of the right of self-determination in various non-self-governing territories.

Represented Sierra Leone at many plenipotentiary conferences, including the United Nations Conference on the Succession of States in respect of Property, Debts and Archives, and was a signatory of the Convention; the Third United Nations Conference on the Law of the Sea (UNCLOS III) and Chairman of the African Group at the Conference. In that capacity, was closely associated with the elaboration of some of the key provisions of the resulting Convention. Was a signatory of the Convention.

Ambassador Extraordinary and Plenipotentiary, Permanent Representative of the Republic of Sierra Leone to the United Nations, New York.

Member of the International Law Commission (1982-1994), and Chairman of the Commission during its forty-third session (1991). Former Chairman of the Committee mandated to elaborate a Draft Statute for an International Criminal Court. As a member of the International Law Commission, was an active participant and contributor to the codification and progressive development of such important international legal instruments as the Draft Code of Crimes against Peace and Security of Mankind; Treaties between States and International Organizations and between International Organizations; the Jurisdictional Immunities of States and their Property; the Law of State Responsibility; the proposed Statute of an International Criminal Court; and the Law of the Non-Navigational Uses of International Watercourses; the draft articles on most-favoured-nation clauses; the draft articles on the status of the diplomatic courier and the diplomatic bag not accompanied by diplomatic courier, and of the optional protocols thereto.

Contributions to other major areas of international law, including the law of self-determination, human rights law, international humanitarian law, and the peaceful settlement of disputes; has written and lectured on these subjects. Served as consultant with the International Committee of the Red Cross (ICRC) at Geneva on the implementation of and respect for international humanitarian law. Has delivered lectures

on all of these topics in many countries, including Cameroon, Canada, China, Ethiopia, Germany, India, Japan, Malta, Norway, Sweden, the United Republic of Tanzania and the United States of America.

Participated in conferences, symposiums and seminars on international law, including those held by the International Ocean Institute (Malta and Halifax, Nova Scotia); the International Law Institute (Hawaii); the International Criminal Jurisdiction (Talloires); the International Institute of Higher Studies in Criminal Sciences; Centre for International Studies, New York University School of Law; the Asian-African Legal Consultative Committee. Also served as external examiner in international law for Ph.D. candidates at the University of Dalhousie, Halifax, Nova Scotia, Canada.

Member of the American Society of International Law and of the Planning Council of the International Ocean Institute (Halifax and Malta). Member and Vice-President of the African Association of International Law. Vice-President of the African Society of International and Comparative Law.

Member and Vice-President of the African Association of International Law, and an expert consultant on the implementation of international humanitarian law with the International Committee of the Red Cross.

The Order of Commander of Rokel was awarded by the Government of Sierra Leone for outstanding professional service (1991).

Author of a thesis on the *Settlement of Territorial and Boundary Disputes in Africa* (University of London). Has also published articles on the law of the sea, the exclusive economic zone, Antarctica, mercenaries, human rights, international humanitarian law, and the law of humanitarian intervention.

Judge Vladlen Stepanovich VERESHCHETIN

(Member of the Court since 26 January 1995; re-elected as from 6 February 1997)

Born in Briansk, Russian Federation, on 8 January 1932.

Graduated (with honours) from the International Law Faculty of the Moscow Institute of International Relations (1954). Post-graduate studies in international law at the same Institute (1955-1958). Candidate of Juridical Sciences (1959). Doctor of Juridical Sciences (1976). Professor of International Law (1982). Maître émérite des Sciences of the Russian Federation (1995).

Staff member of the Presidium of the USSR Academy of Sciences (1958-1967). First Vice-Chairman and Legal Counsel, Intercosmos, USSR Academy of Sciences (1967-1981). Deputy Director and Head of International Law Department of the Institute of State and Law, Russian Academy of Sciences, Moscow (1981-1995).

Member of the United Nations International Law Commission

(1992-1995); Chairman of the Commission (1994). Member of the USSR delegations to the United Nations Committee on the Peaceful Uses of Outer Space and its Legal Sub-committee (1979-1990).

Member of the Permanent Court of Arbitration (1984-1995).

Has given lecture courses and individual lectures on the theory of international law, the peaceful settlement of international disputes, the law of the sea, the law of outer space and the law of international organizations at the Institute of International Relations, the Diplomatic Academy and the University of Friendship of Peoples (Moscow), the Juridical Institute (Sverdlovsk), the Institute of International Public Law and International Relations (Thessaloniki), the European University Institute (Florence), the Universities of Akron and Mississippi (United States) and the Institute of International Private and Public Law (The Hague). Has presented papers on different international law subjects at many international congresses and conferences.

Vice-President of the Russian (formerly Soviet) Association of International Law (since 1985). Chairman of the Scientific Council on International and Comparative Law at the Institute of State and Law, Russian Academy of Sciences (1981-1995). Vice-President of the Russian (formerly Soviet) United Nations Association (since 1984). Vice-President, Honorary Director of the International Institute of Space Law. Member of the Policy and Finance Committee of the International Law Association (since 1990). Member, Board of Directors of the International Institute of Air and Space Law, Leiden University (since 1995).

Member of the editorial and advisory boards of the *Russian Law Journal*, the *European Journal of International Law* (Italy) and the *Journal of Space Law* (United States).

Orders and awards: "Badge of Honour" (1967), "Friendship of Peoples" (1975), "October Revolution" (1981). Honorary Awards of the German Academy of Sciences at Berlin (1978), the Bulgarian Academy of Sciences (1979), the International Academy of Astronautics (1987, 1994), the International Institute of Space Law (1995), the Russian Association of International Law (1995).

Author of more than 150 works and articles on international law published in Russia and abroad, including seven-volume *Course of International Law*, Moscow, 1989-1993 (Deputy Editor-in-Chief of the course and co-author).

Judge Rosalyn Higgins

(Member of the Court since 12 July 1995)

Born in London on 2 June 1937.

Dame Commander of the British Empire (1995).

B.A. (Cantab) 1st Class (1959); LL.B. (Cantab) 1st Class (1962); J.S.D. (Yale) (1962); M.A. (Cantab) (1962); Honorary Doctorates of

the Universities of Paris XI (1980), Dundee (1992), Durham and the London School of Economics (1995), Cambridge, Kent, Essex, Sussex, Greenwich and London City University (1996), Birmingham, Leicester and Glasgow (1997). Awarded the Yale Law School Medal of Merit (1997).

Minor Scholar, Girton College, Cambridge (1957); Major Scholar, Girton College, Cambridge (1958); Campbell Scholarship for Professional Studies (1957); Montefiore Award for academic and general distinction (1958); Bryce-Tebbs Scholar, Cambridge (1958); Commonwealth Fund (Harkness) Fellowship (1959-1961); Graduate Fellow, Yale Law School (1959-1961).

United Kingdom Interne, Office of Legal Affairs, United Nations (1958); Visiting Fellow, Brookings Institution, Washington, DC (1960); Junior Fellow in international studies, London School of Economics (1961-1963); Staff specialist in international law, Royal Institute of International Affairs (1963-1974); Visiting Fellow, London School of Economics (1974-1978); Professor of International Law, University of Kent at Canterbury (1978-1981); Professor of International Law, University of London (1981-1995).

Queen's Counsel (1986); Bencher of the Inner Temple (1989).

Queen's Counsel and Bencher of the Inner Temple, practising in public international law and petroleum law. Practice in the English courts and before various international tribunals, including the International Court of Justice, the European Court of Human Rights and the Court of the European Communities.

Counsel for the International Tin Council in a series of cases in the United Kingdom.

Counsel in the following cases in the International Court of Justice: *Territorial Dispute (Libyan Arab Jamahiriya/Chad)*; *East Timor (Portugal* v. *Australia)*; *Questions of Interpretation and Application of the 1971 Montreal Convention arising from the Aerial Incident at Lockerbie (Libyan Arab Jamahiriya* v. *United Kingdom)*; *Gabčikovo-Nagymaros Project (Hungary/Slovakia)*.

President, Tribunal of the International Centre for Settlement of Investment Disputes (*Amco* v. *Indonesia*).

Member of the Committee on Human Rights under the International Covenant on Civil and Political Rights (1984-1995); Special Rapporteur for new cases (1989-1991).

Associé of the Institut de droit international (1987), Member (1991); Chairman, Public International Law Advisory Board, British Institute for International and Comparative Law (since 1992); Hon. Vice-President of the American Society of International Law (1993).

Rockefeller Foundation Fellowship (1961); British Academy Award (1977-1978); Volumes I and II of *United Nations Peacekeeping* received the 1971 Certificate of Merit of the American Society of International Law; *Problems and Process* received the 1995 Certificate of Merit of the American Society of International Law; Wolfgang Friedman Medal for

services to International Law, Columbia University (1985); Harold Weil Medal, New York University (1995); Ordre des Palmes Académiques (1988); Honorary Life Membership Award, American Society of International Law (1992).

Member of the Board of Editors of the *American Journal of International Law* (1975-1985), the *British Year Book of International Law* and of the *Journal of Energy and Natural Resources Law*.

Delivered general course on international law at the Hague Academy of International Law (1991).

Author of *The Development of International Law through the Political Organs of the United Nations*, 1963; *Conflict of Interests: International Law in a Divided World*, 1965; *The Administration of the United Kingdom Foreign Policy through the United Nations*, 1966; *UN Peacekeeping: Documents and Commentary*, Vol. I, *Middle East*, 1969, Vol. II, *Asia*, 1970, Vol. III, *Africa*, 1980, Vol. IV, *Europe*, 1981; *Law in Movement Essays in Memory of John McMahon* (joint editor with James Fawcett), 1974; "The Taking of Property by the State: Recent Developments in International Law", *Recueil des cours*, Hague Academy of International Law, Vol. 176, 1982; *Liberté de circulation des personnes en droit international* (joint editor with Maurice Flory), 1988; "International Law and the Avoidance, Containment and Resolution of Disputes (General Course on Public International Law)", *Recueil des cours*, Vol. 230, 1991; *Problems and Process: International Law and How We Use It*, 1994; and of various works and articles on international legal theory, United Nations law, the use of force, State and diplomatic immunities, human rights and international petroleum law.

Judge Gonzalo PARRA-ARANGUREN

(Member of the Court since 28 February 1996)

Born in Caracas, Venezuela, on 5 December 1928.

Degree in juridical and political sciences (*summa cum laude*) at the Central University of Venezuela (1950); postgraduate course in comparative law and jurisprudence (LL.M.) at the Inter-American Law Institute, New York University (1951-1952); Doctor of Law (*"doktor iuris"*) (*cum laude*) at the Ludwig-Maximileans University, Munich (1955).

Professor at the Central University of Venezuela, Caracas, teaching private international law (1956-1996); has taught that same course at Andrés Bello Catholic University in Caracas (1957-1996).

Judge in the Second Course of First Instance (commercial matters), Federal District and State of Miranda, Caracas (1958-1971); first associate judge (1988-1992) in the Chamber of Cassation (civil, commercial and labour matters) of the Supreme Court of Justice; alternate judge of the same Chamber (1992-1996). Has acted as arbitrator, both in Venezuela and abroad, in the latter case regarding international commer-

cial matters of a private nature; on several occasions has testified in foreign courts as an expert on Venezuelan law.

Member of the commission of enquiry appointed in 1985 by the Governing Body of the International Labour Office to consider the implementation by the Federal Republic of Germany of the ILO Discrimination (Employment and Occupation) Convention (1958, No. 111); the report was submitted in 1986, but he did not endorse its recommendations.

Member of the Permanent Court of Arbitration (since 1985).

Member of the legislative committees that drafted the section on Venezuelan nationality in connection with the Constitution that was approved in 1961; the draft law on private international law (1963) and its subsequent revision in 1965; and the revised draft sections of the Code of Commerce dealing with credit instruments and bankruptcy respectively (1963-1965).

Member of the legal advisory committee of the Ministry of Foreign Affairs (1984-1996) and of the legal advisory council of the National Congress (1990-1996).

Member of the Institut de droit international (elected in 1979).

Member of the Academy of Political and Social Sciences of Caracas (since 1966) and its President (1993-1995). Corresponding Member of the Uruguayan International Law Association (1978); Corresponding Member of the Argentine International Law Association (1981); Corresponding Member of the National Academy of Law and Social Sciences of Córdoba, Argentine Republic (1982); Honorary Fellow of the Royal Academy of Jurisprudence and Legislation of Granada, Spain (1994); Corresponding Member of the Mexican Academy of Jurisprudence and Legislation corresponding to that of Spain (1994); and Honorary Fellow of the Royal Academy of Jurisprudence and Legislation, Madrid (1994).

Member of the Governing Council of the International Institute for the Unification of Private Law (UNIDROIT) (1982-1993); elected again in 1996.

Former Member of the editorial board of the *Revista del Colegio de Abogados del Distrito Federal*, Caracas; the editorial board of the *Revista de la Facultad de Derecho de la Universidad Católica Andrés Bello*, Caracas (since its establishment). Correspondent for the *Netherlands International Law Review* (since 1987).

Taught the General Course on Private International Law at the Hague Academy of International Law (1988), and has given lectures in various countries: in Curaçao, at the commemoration of the centenary of the Introduction of the Civil Code and the Installation of the High Court of Justice (1969); at the course on international law (Rio de Janeiro, 1978, 1979, 1982, 1988, 1992 and 1997), organized by the Inter-American Juridical Committee and the Brazilian Foundation "Gétulio Vargas"; at the Hague Academy of International Law, on "Recent Developments of Conflict of Laws Conventions in Latin America" (1979); at the "Journeys

of International Law" (Salamanca, November 1992); at the seminar on "Principles for the International Commercial Contracts", prepared by the International Institute for the Unification of Private Law (UNIDROIT) (Rome, December 1993); at the working meeting on the "Reviews and Books for the Unification of the Latin-American Juridical System" (Rome, December 1993); at the Eighth World Conference of the International Society of Family Law (Cardiff, June 1994); at the Congress on Children on the Move, organized by the Dutch committee of the International Year of the Family in collaboration with the Hague Conference on Private International Law (The Hague, October 1994); at the seminar on "Adoption, an Act of Love", organized by the Colombian Institute for Family Welfare (Bogotá, June 1995); at the Symposium "Il nuovo Diritto Internazionale Privato Italiano", University of Padua (1996); and at the Symposium "Globalization of Child Law: The Role of the Hague Convention" (The Hague, September 1997).

Co-Chairman of the Committee on Private International Law, during the Sixteenth Session of the Inter-American Lawyers Federation (Caracas, 1969). Reporter at the "First Latin-American Journeys of International Law", at the Andrés Bello Catholic University (Caracas, 1979); at the Twelfth Congress of the Hispano-Luso Institute of International Law (Merida, Venezuela, 1980); at the International Seminar on Adoption (Caracas, 1996); and at the Inter-American Congress "Towards a New Regulation of the International Contracts" (Valencia, Venezuela, 1996).

Representative for Venezuela at the International Association of Legal Science and the German Society for Comparative Law (Treveris, Federal Republic of Germany, 1961); and at the third meeting of the Joint Venezuelan-Spanish Commission (Madrid, 1974).

Representative for Venezuela at the first Inter-American Specialized Conference on Private International Law (CIDIP-I, Panama, 1975), being Vice-Chairman of the Second Committee; at the second such Conference (CIDIP-II, Montevideo, 1979), being Chairman of the Second Committee; at the third and fourth such Conferences (held, respectively, CIDIP-III in La Paz, Bolivia, 1984, and CIDIP-IV in Montevideo, 1989), being Chairman of the Second Committee; and at the fifth such Conference (CIDIP-V, Mexico City, 1994), being Chairman of the First Committee.

Member of the Committees of Experts that met in Washington, D.C., in 1980 in preparation for the Third Inter-American Specialized Conference on Private International Law (CIDIP-III); in Tucson, Arizona, 1993, in preparation for the Fifth Inter-American Specialized Conference on Private International Law (CIDIP-V); and in Washington, D.C. (1995, 1996) to prepare the Inter-American Convention against Corruption.

Representative of Venezuela at the Hague Conference on Private International Law: thirteenth session (1976-1977); fourteenth session (1980); fifteenth session (1984); special session (1985); sixteenth session

(1988); and the seventeenth session (1993); Member of the special working group and Special Commission (April and October 1994, respectively) to study the application of the Convention of 1993 to minors who are refugees; and of the Special Commission (second meeting, June 1995) on the Protection of Minors and Incompetent Adults and of the Special Commission on maintenance obligations (November 1995). Elected one of the five Vice-Chairmen at the fifteenth and sixteenth sessions.

Rapporteur of the Special Commission of the seventeenth session of the Hague Conference on Private International Law and, in pursuance of these functions, prepared the preliminary report (1992) and the explanatory report on the Convention on Protection of Children and Co-operation in respect of Intercountry Adoption on 29 May 1993.

Author of the following books: *Die Regel "Locus Regit Actum" und die Formen der Testamente*, 1955; *La Nacionalidad Venezolana Originaria*, Vols. I and II, 1964; *La Constitución de 1830 y los Venezolanos por Naturalización*, 1969; *Codificación del Derecho Internacional Privado en América*, 1982; *La Nacionalidad Venezolana: I. Antecedentes Históricos*, 1983; *La Influencia del Matrimonio sobre la Nacionalidad de la Mujer en la Legislación Venezolana*, 1983; *La Nacionalidad Venezolana: II. Problemas Actuales*, 1983; *Monografías Selectas de Derecho Internacional Privado*, 1984; *Ensayos de Derecho Procesal Civil Internacional*, 1986; *Curso General de Derecho Internacional Privado (Problemas Selectos)*, 1991; *Curso General de Derecho Internacional Privado. Problemas Selectos y Otros Estudios*, 1992.

Has published numerous articles on the law of nationality, private international law and international civil procedural law in Venezuelan and foreign journals.

Judge Pieter Hendrik KOOIJMANS

(Member of the Court since 6 February 1997)

Born at Heemstede, Netherlands, on 6 July 1933.

Econ. B. (1955), LL.M. (with honours) (1957), Dr. Iuris, Free University, Amsterdam (with honours) (1964).

Professor of Public International Law and European Law, Free University, Amsterdam (1965-1973). Professor of Public International Law, University of Leiden (1977-1992, 1995-1997).

Member of the Netherlands delegation to the General Assembly of the United Nations (1967, Sixth Committee), Vice-Chairman (1973-1977), Chairman (1993). Head of the Netherlands delegation to various sessions of the Third United Nations Conference on the Law of the Sea (1974-1977), to the First Review Conference of the Non-Proliferation Treaty (1975), to the Geneva Diplomatic Conference on humanitarian law in armed conflict (1975) and to the United Nations Conference on *Apartheid* (1977). Head of the Netherlands delegation to the United Nations Commission on Human Rights (1982-1985, 1992).

Chairman of the United Nations Commission on Human Rights

(1984-1985). Special Rapporteur of the United Nations Commission on Human Rights on Questions relevant to Torture (1985-1992).

Member of various United Nations and Conference on Security and Co-operation in Europe (CSCE) missions to the former Yugoslavia (1991-1992).

State Secretary for Foreign Affairs of the Netherlands (1973-1977). Minister for Foreign Affairs of the Netherlands (1993-1994).

Member of the Permanent Court of Arbitration. Member and former Chairman of the Netherlands Branch of the International Law Association. Associate Member of the Institut de droit international. Chairman of the Supervisory Board of the Netherlands Research Center for African Studies. Vice-President of the European Cultural Foundation.

Former positions: Chairman of the Board of the Carnegie Foundation. Chairman of the Administrative Council of the Hague Academy of International Law. Chairman of the Board of the Netherlands Disaster Relief Agency. Chairman of the Supervisory Board of the Netherlands Refugee Foundation. Chairman of the Netherlands Foundation (established by all political parties) for support to the new South Africa. Vice-Chairman of the Dutch Evangelical Party (merged in 1980 with two other parties into the Christian Democratic Party). Chairman of the Foreign Affairs Committee of the Christian Democratic Party. Member of the Steering Committee of the International Crisis Group. Member of the Advisory Committee on Questions of International Law (Dutch Ministry of Foreign Affairs). Member of the Advisory Council on Questions of Peace and Security (Dutch Ministries of Foreign Affairs and Defence). Chairman of the Board of the Institute of Social Studies (postgraduate school on questions of development). Chairman of the Board of the Netherlands Institute of Peace-related Issues. Vice-Chairman of the Advisory Commission on Questions of Aliens (quasi-judicial body, Dutch Ministry of Justice). Chairman of the Advisory Committee on Questions of Disarmament (Dutch Ministry of Foreign Affairs). Member of the Advisory Defence Council (Dutch Ministry of Defence). Member of various advisory commissions on the Codification of the Law of Aliens and of Refugees (Dutch Ministry of Justice).

Member of the Board of Editors of the *Netherlands International Law Review*.

Lecturer at the Hague Academy of International Law (1976 and 1991).

Author of numerous publications on international law.

Judge Francisco REZEK

(Member of the Court since 6 February 1997)

Born 18 January 1944 in Cristina, Minas Gerais (Brazil).

LL.B (1966), D.E.S. (1967): Federal University of Minas Gerais (Belo

Horizonte, MG). Docteur de l'Université de Paris-Sorbonne (1970). Diploma in Law, University of Oxford (1979).

Extension courses and research programmes: Harvard University (1965); the Hague Academy of International Law (1968, 1970).

Professor of International Law and Constitutional Law at the University of Brasilia (1971-1997). Chairman of the Department of Law (1974-1976). Dean of the Faculty of Social Studies (1978-1979). Professor of International Law at Rio Branco Institute (the official diplomatic school of Brazil) (1976-1997). Lecturer at the Hague Academy of International Law (1986) and at the Institute of International Public Law and International Relations, Thessaloniki (1989).

President of conferences, lecturer and examiner in contests for professorship in the major Brazilian universities (since 1971).

Attorney of the Republic before the Supreme Court of Brazil (1972-1979); Deputy Attorney-General of the Republic (1979-1983). Justice of the Supreme Court of Brazil, appointed by the President with approval of the Senate, March 1983, at the age of 39. Resigned in March 1990. Appointed again in April 1992 for life, retired in 1997.

Foreign Minister of Brazil (from March 1990 to April 1992).

Member of the Permanent Court of Arbitration (since 1987).

Published works: *The Law of Treaties* (in Portuguese), 1984; *Public International Law* (in Portuguese), 1st ed., 1989, 7th ed., 1997; *Droit des traités: particularités des actes constitutifs d'organisations internationales*, 1968; *La conduite des relations internationales dans le droit constitutionnel latino-américain*, 1970; "Aspectos elementares do Estatuto da Igualdade", in *Boletim do Ministério da Justica*, No. 277, 1978; "Reciprocity as a Basis of Extradition", in *British Year Book of International Law*, Vol. 52, 1981; "Protection of the Victims of Armed Conflicts: Wounded, Sick and Shipwrecked", in *International Dimensions of Humanitarian Law*, Unesco, Institut Henry Dunant, 1988 (preceded by a French edition, 1986); "Le droit international de la nationalité", Hague Academy of International Law, *Recueil des cours*, Vol. 198, 1986; "Sur le fondement du droit des gens", in *Essays in Honour of Krzysztof Skubiszewski*, 1996; "A New International Order", in *Review of International Affairs*, 1990; "Una politica comercial para los nuevos tiempos", in *Revista Latinoamericana de Integración*, 1991; "Imunidade do Estado estrangeiro à jurisdição local", in *Hector Gross Espiel liber amicorum*, 1997.

About 45 monographs and other legal studies published in specialized periodicals in Brazil. More than 300 advisory opinions pronounced on behalf of the Public Ministry in cases put before the Supreme Court of Brazil and published in its quarterly Report (1972-1983). More than 500 decisions or dissenting opinions pronounced in the Supreme Court of Brazil and published in its quarterly Report and in other periodicals (1983-1995).

II. Members of the Court Whose Term of Office Expired on 5 February 1997

Judge Mohamed Shahabuddeen

(Member of the Court from 6 February 1988 to 5 February 1997; Judge *ad hoc* in the case concerning *Delimitation and Territorial Questions between Qatar and Bahrain (Qatar* v. *Bahrain)*)

Born in Vreed-en-Hoop, Demerara, Guyana, on 7 October 1931.

Bar Finals, London Inns of Court (1952). Called to the Bar, Middle Temple, London (1954). Queen's Counsel (1966). London University degrees – LL.B., B.Sc. (Econ.), LL.M., Ph.D., LL.D. Also LL.D. *honoris causa* of the University of the West Indies.

Private practice (1954-1959) followed by public legal service. Magistrate (1959). Crown Counsel (1959-1962). Solicitor General (1962-1973). Attorney General (1973-1987). Minister of Justice (1978-1987). Other ministerial appointments, including Acting Foreign Minister from time to time (1980-1987).

Member of various Guyana delegations on bilateral missions to other countries (1962-1987). Also member of various Guyana delegations to other international meetings, including: United Nations General Assembly (1972); United Nations Conference on Succession of States in respect of Treaties, Vienna (1977); Commonwealth Heads of Government Meetings, Lusaka (1979), Melbourne (1981), New Delhi (1983), Nassau (1985) and Vancouver (1987); the Cancun North South Summit (1981); the General Assembly of the Organization of American States, St. Lucia (1981); Meetings of Ministers of Foreign Affairs of Non-Aligned Countries, Georgetown (1972) and New Delhi (1981); Meeting of the Co-ordinating Bureau of the Movement of Non-Aligned Countries, Algiers (1981); the Conference of Heads of State or Government of Non-Aligned Countries, New Delhi (1983); the Commonwealth Caribbean Heads of Government Meetings, Ocho Rios (1982), Port of Spain (1983), Nassau (1984), Georgetown (1986) and St. Lucia (1987); the Commonwealth Law Ministers Meetings at Lagos (1975), Barbados (1980), Sri Lanka (1983) and Harare (1986); and the Commonwealth Law Conference, Hong Kong (1983).

Member of the Board of Governors of the University of Guyana (1963-1965). Member of the Council of Legal Education of the Commonwealth Caribbean (1973-1987). Member of the Commonwealth Association of Legislative Counsel (1983).

Member of the International Criminal Tribunal for the Former Yugoslavia (as from 16 June 1997). Member of the Institute of International Law. Headquarters Member of the International Law Association. Member of the Société française pour le droit international. Honorary Member of the American Society of International Law. Honorary Life Member of the Indian Society of International Law.

Member of the Advisory Board of the African Society of International and Comparative Law. Associate Member of the International Academy of Comparative Law. Member of the Advisory Board, *European Journal of International Law*. Member of the Board of Electors of the Whewell Professorship of International Law of Cambridge University.

Cacique's Crown of Honour (CCH) (1970); Order of Roraima (OR) (1980); Order of Excellence (OE) (1988).

Author of various books and articles.

Judge Luigi FERRARI BRAVO

(Member of the Court from 21 June 1995 to 5 February 1997)

Born in Naples, Italy, on 5 August 1933.

Graduated *magna cum laude* in law, University of Naples, 1956.

Assistant Professor of International Law, University of Naples (1956-1961); "Libero docente" of Public and Private International Law (1961); Professor of International Organization, on an annual term, University of Bari (1961-1965); Professor of International Law, on an annual term, University of Bari (1965-1968); Professor of International Law, on an annual term, Istituto Universitario Orientale, Naples (1962-1968); Full Professor of International Law, Law Faculty, University of Bari; Director of the Institute of International Law, same Faculty (1968-1974); Full Professor of International Organization, Istituto Universitario Orientale, Naples (1974-1979); Dean of the Department of Political Science, same University (1975-1976); Professor of European Community Law, High School of Public Administration, Rome (1965-1979); Full Professor of European Community Law, Faculty of Political Science, University of Rome (1979-1982); Full Professor of Public International Law, same Faculty (1982-1991); Full Professor of European Community Law, Law Faculty, University of Rome (since 1991).

Lecturer on International Law, National University of Somalia, Mogadishu (1971); Lecturer, Hague Academy of International Law (1975 and 1982); on various occasions has given courses on international law at the Training Institute for Diplomats at the Italian Ministry of Foreign Affairs; has lectured at universities and scientific institutions in Argentina, Belgium, Canada, Germany, Peru, Switzerland, United States of America.

Member of the Italian Bar, with the right to plead before the Supreme Court; Head of the Legal Service of the Italian Ministry of Foreign Affairs (1985-1994).

Member of the Governing Council of the International Institute for the Unification of Private Law (UNIDROIT) (1990-1994); President of UNIDROIT (since 1 January 1995).

Member of the Italian delegation to the United Nations Seminar on Economic and Social Rights (Warsaw, 1967); Italian Expert at the World Conference on Human Rights (Tehran, 1968); Italian representative to the preparatory committees for the First to Fourth European Conferences of Law Faculties (Strasbourg, 1968, 1971, 1974, 1976); Chairman of a Committee at the Second and Third Conferences. Member of the United Nations Special Committee on the Question of Defining Aggression (1973-1974). Member of the Italian delegation to the Geneva Diplomatic Conference on Humanitarian Law (1975-1977); Head of the delegation to the Committee on the Charter of the United Nations and the Strengthening of the Role of the Organization (1975-1983); Member of the *Ad Hoc* Working Group on corrupt practices of multinational corporations (1976-1979); of the Special Committee on Enhancing the Effectiveness of the Principle of Non-Use of Force in International Relations (1978-1983); Chairman of the Sixth Committee of the General Assembly (1978-1979); Member of the *Ad Hoc* Committee on the Drafting of a Convention against the Taking of Hostages (1979); Member of the *Ad Hoc* Committee on the Drafting of a Convention against the Recruitment, Use, Training and Financing of Mercenaries (1982 and 1983), Vice-Chairman; Chairman of one of the working groups of the same Committee. Member and Chairman (1982, 1983) of the Working Group of the Sixth Committee on the Protection of Persons Submitted to Any Form of Detention or Imprisonment; Member of the Italian delegation to the Conferences for the Review of the Treaty on the Denuclearization of the Sea-bed and Ocean Floor in Geneva (1977, 1983); Member of the Intergovernmental Group for the Drafting of a Code of Conduct for Transnational Corporations, eighth to seventeenth sessions (1980-1982); Member of the Commission on Transnational Corporations (1980-1993); Member of the United Nations Commission on International Trade Law, thirteenth and fifteenth sessions (1980, 1982); appointed by the Italian Government as Conciliator (provided for in Annex to Article 66, Vienna Convention on the Law of Treaties of 1969; Legal Adviser at the Permanent Mission to the United Nations (New York, 1981-1984); Legal Adviser to the Permanent Mission in Geneva (1984-1985); Head of the Italian delegation to the Codification Conference on the Law of Treaties between States and International Organizations (Vienna, 1986); Member of the *Ad Hoc* Committee on Unlawful Acts against the Safety of Maritime Navigation (1987), Head of the Italian delegation to the IMO Conference (Rome, March 1988), President of the Conference. Member of the Court of Arbitration for Sport.

Agent of the Italian Government before the Court of Justice of the European Communities (1985-1994); Agent of the Italian Government before the European Commission and the European Court on Human Rights (1985-1994); Agent of the Italian Government before the International Court of Justice in the case concerning *Elettronica Sicula S.p.A. (ELSI) (United States of America* v. *Italy)*.

Secretary-General of the Siena Forum on International Law of the Environment (1990), convened under the recommendation of the Summit of the Seven Most Industrialized Countries; Member of the Italian Group of the Permanent Court of Arbitration; Head of the Italian delegation to the Conference on Security and Co-operation in Europe (Valletta Meeting, 1991) on Peaceful Settlement of Disputes, Member of the mechanism created by such meeting; Member of Conciliators' Panel, CSCE Mechanism of the Human Dimension, Moscow Declaration (1991).

Member of the Institute of International Law; Member of Board of Directors of the Italian Society for International Organization; Member, International Law Association, American Society of International Law, Italian Association for Comparative Law, Italian-German Association of Jurists, Institute for International Affairs (Rome), Italian Association for Arbitration, Société française de droit international (Paris).

General co-ordinator (1965-1981) of the Italian National Research Council Team (Italian Society for International Organization – Ministry of Foreign Affairs) on "Il contributo dell'Italia alla formazione delle consuetudini internazionali"; Member, editorial board, Commentaries on the EEC Treaty and ECSC Treaty (1965 and 1970); Member, editorial board, *Cahiers de droit européen*, Brussels; Member, scientific board, *Rivista di diritto internazionale*; General Editor, *Italian Yearbook of International Law*; Member, editorial board, *German Yearbook of International Law*; Editor-in-Chief, *La Comunità Internazionale*.

Major publications: *La prova nel processo internazionale*, 1958; *Diritto internazionale e diritto interno nella stipulazione dei trattati*, 1964; "Le operazioni finanziarie degli enti internazionali (Banca Mondiale, SFI, IDA)", *Annuario di diritto internazionale*, 1965; "Problemi interpretativi dell'art. 177 del trattato CEE", *Comunicazioni e studi dell'Istituto di diritto internazionale e straniero dell'Università di Milano*, Vol. XII, 1966; *Responsabilità civile e diritto internazionale privato*, 1973; "Les rapports entre contrats et obligations délictuelles en droit international privé", *Recueil des cours*, Hague Academy of International Law, Vol. 146, 1975; "Méthodes de recherche de la coutume internationale dans la pratique des Etats", *Recueil des cours*, Hague Academy of International Law, Vol. 192, 1985; *Codice dell'Unione Europea* (with V. Rizzo), 1994; *Lezioni di diritto internazionale I*, 4th ed., 1994; *Lezioni di Diritto Comunitario* (with M. E. Moavero Milanesi), 1995.

Author also of more than 50 articles and notes, on both public and private international law, as well as on the law of the European Communities.

III. Judges *Ad Hoc*

Article 7, paragraph 3, of the Rules of Court provides that judges *ad hoc* are to take precedence after the Members of the Court and in order of seniority of age.

Judge *ad hoc* Kéba MBAYE

(Judge *ad hoc* in the case concerning the *Land and Maritime Boundary between Cameroon and Nigeria (Cameroon* v. *Nigeria)*)

Holder of the diploma of advanced studies in private law (Paris); holder of the certificate of the Ecole nationale de la France d'outre-mer (Magistrature Department).

Honorary First President of the Supreme Court.

Former President of the Constitutional Council of Senegal.

Former lecturer at the Faculty of Law of the University of Dakar and at the Ecole nationale d'administration of Senegal (1967-1978).

Doctor *honoris causa* of the Universities of Lille II, Savoie (France), Bhopal (India) and Emory (United States of America).

Member of the International Court of Justice (6 February 1982 to 5 February 1991); Vice-President of the Court (1987 to 1991); formerly judge *ad hoc* in the case concerning the *Arbitral Award of 31 July 1989 (Guinea-Bissau* v. *Senegal)*.

Has been a member of various United Nations bodies and has in particular participated as member and chairman in the work of the Commission on Human Rights, the Commission responsible for seeking the settlement of any dispute between States Parties to the Convention against Discrimination in Education, the Special Committee to investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories, and of the *Ad Hoc* Working Group of Experts to investigate violations of human rights in southern Africa; former member of the ILO Committee of Experts.

Vice-Chairman of the Executive Committee of the International Institute of Human Rights (René Cassin Foundation); Honorary Member of the International Institute of Humanitarian Law; former Chairman of the International Commission of Jurists; Honorary President of the World Federation of United Nations Associations; former President of the International Academy of Human Rights; Member of the Société française pour le droit international; Vice-President of the Institut international de droit d'expression française; was General Rapporteur at the Organization of African Unity Conference which adopted the African Charter on Human and Peoples' Rights.

Honorary Member of the Belgian Académie royale des sciences d'outre-mer; Member of the International Academy of Comparative Law, of the International Law Association, of the Académie française des sciences d'outre-mer and of the Curatorium of the Hague Academy of International Law; Honorary Member of the Institute of International Law; Vice-Chairman of the ICC International Court of Arbitration; President of the Court of Arbitration for Sport and of the International Council of Arbitration for Sport.

Author of numerous publications concerning the law of Senegal, the

law of sub-Saharan Africa, human rights in general, and in particular the right to development, the law of sport. Gave a lecture on "'Interest to Act' before the International Court of Justice" at the Hague Academy of International Law (1988).

Judge *ad hoc* François Ernest Robert RIGAUX

(Judge *ad hoc* in the case concerning *Oil Platforms (Islamic Republic of Iran* v. *United States of America)*)

Born in Ixelles, Belgium, on 26 March 1926.

Bachelier of Philosophy (1945); Doctor of Law (1947); Licencié in Criminal Science (1948); Agrégé in Law (1956); Doctor *honoris causa* of the University of Dijon (1981).

Senior Lecturer (1955), Assistant Professor (1959) and Professor (1961) in the Faculty of Law of the Université catholique de Louvain. Subjects taught: civil law (persons and property); private international law; protection of the individual and of privacy. Dean of the Faculty of Law (1980-1984), and President of the International Law Department of the Université catholique de Louvain. Professor emeritus at the Université catholique de Louvain (1991) and Visiting Professor, Faculty of Law (1991-1992; 1992-1993). Visiting Professor, Catholic University, Brussels (1993-1994 and 1994-1995) and University Faculties at Saint Louis, Brussels (1995-1998).

As well as courses and lectures at various foreign universities, particularly in Florence, Bremen, Barcelona, Caracas, Caceres, Geneva, Hamburg, Madrid, Milan, Munich, Nancy, Regensburg, Rio de Janeiro, Würzburg and Baton Rouge, gave courses as follows: a course at the Hague Academy of International Law on change of connecting factors in private international law (1966), published in the collection *Recueil des cours*; the General Course on Private International Law in 1989 on "Les situations juridiques individuelles dans un système de relativité générale", also published in the *Recueil des cours*; Visiting Professor at the Université Lovanium, Kinshasa (1970); holder of the Francqui Professorship at the Université libre de Bruxelles (1975-1976 academic year), where he taught a course entitled "Droit public et droit privé dans les relations internationales" (published in 1977); course at the Institut des hautes études internationales (Paris, 1978-1979 academic year) on the new international economic order (published in the Institute's "collection des cours et travaux"); Director of Studies of the 1979 summer programme of the Institut universitaire de Luxembourg on the impact of the EEC on the private international law of its member States (work published in 1980). Holder of the Francqui Professorship in the Faculty of Law of the Katholieke Universiteit Leuven (Catholic University of Louvain) (1980-1981 academic year), where he taught a course on "Le pluralisme juridique". Holder of the Francqui Professorship at the Facultés universitaires Notre-Dame de

la Paix, Namur (1991-1992 academic year), where he taught a course on "La liberté de la vie privée". Holder of the Francqui Professorship at the University of Ghent (1996-1997) where he taught a course on "Le règlement juridictionnel des conflits de normes". Invited to give lectures at the Tunis Faculty of Law (1988 and 1989), the Florence Faculty of Political Science (1988), the Faculty of Law of the Université d'Aix-Marseille (1991-1992) and the Faculty of Law of Louisiana State University, Baton Rouge (1994-1995).

Served on Ph.D. examining boards at the Universities of Antwerp, Barcelona, Dijon, Ghent, Lyons, Nice, Paris, Reims and Tunis.

Member of the Bar of Brussels (1947-1954). Deputy Royal Procurator (1954-1963). At present, Honorary Deputy Royal Procurator. Assessor, Legislation Section of the Conseil d'Etat (1966-1991), authorized by Royal Order to bear the honorary title of that function.

Member of the Constitutional Court of the Federation of Bosnia and Herzegovina.

Member of the Institute of International Law (and Third Vice-President from 1983 to 1985). Member of the Institut belge de droit comparé. Former President of the Société belge de droit international. Member of the governing board of the Société des amis d'Henri Rolin. Former President of the scientific council of the *Revue belge de droit international*. (Corresponding) Member of the Section des sciences morales et politiques, classe des lettres of the Académie royale de Belgique (January 1988). (Associate) Member of the International Academy of Comparative Law.

Winner of the Prix des Anciens Présidents et du *Journal des tribunaux* awarded to a first-year trainee (1947-1948 judicial year). Winner of the Emile van Dievoet Prize (period 1951-1955) for his work entitled: *La théorie des qualifications en droit international privé*. Winner of the "Legatum Visserianum" Prize awarded in January 1962 by the College of Curators of Leiden University for a dissertation on Representation in Comparative Private International Law, submitted on 1 March 1959. Winner of the José A. Negri Prize awarded by the Federal Council of Argentine Notaries for the collective work "Les régimes matrimoniaux et les successions en droit international privé", edited by him in 1961 on the occasion of the Seventh International Congress of Latin Notaries.

Officer of the Order of Leopold (1968), Commander of the Order of the Crown (1977), Grand Officer of the Order of Leopold II (1988).

Principal publications: *La théorie des qualifications en droit international privé*, 1956; *Le statut de la représentation en droit international privé*, 1959; *La nature du contrôle de la Cour de cassation*, 1966; *Précis de droit international privé*, 1968; *Précis de droit des personnes*, Vol. I: *Les relations familiales*, 1971, updated with the collaboration of M. T. Meulders-Klein, 1978; *Introduction à la science du droit*, 1974; *Droit public et droit privé dans les relations internationales* (publication

of the *Revue générale de droit international public*, No. 26), 1977; *Droit international privé*, Vol. I: *Théorie générale*, 1977, revised 2nd ed., 1987; Vol. II: *Droit positif belge*, 1979, revised 2nd ed. with the collaboration of Marc Fallon, 1993; *Pour un autre ordre international*, Droit économique 2, Institut des hautes études internationales de Paris, 1979-1980; *Derecho internacional privado, parte general*, translation and adaptation to Spanish law of Volume I of *Droit international privé*, by Mrs. A. Borras Rodriguez, 1985; *La Carta di Algieri*, translated by Anna Lo Monaco, 1988; "Les situations juridiques individuelles dans un système de relativité générale (Cours générale de droit international privé)", *Recueil des cours*, Hague Academy of International Law, Vol. 213, 1989; *Pour une déclaration universelle des droits des peuples*, 1990; *La protection de la vie privée et des autres biens de la personnalité*, 1990; *La vie privée, un liberté parmi les autres?*, 1992; *La loi des juges*, 1997.

Judge *ad hoc* Krzysztof Skubiszewski

(Judge *ad hoc* in the case concerning *Gabčíkovo-Nagymaros Project (Hungary/Slovakia)*)

Born in Poznań, Poland, on 8 October 1926.

Faculty of Law and Economic Sciences, University of Poznań (*magister juris*) (1945-1949); Doctor *juris* (1950); European University Centre (Diploma of European Higher Studies), University of Nancy, France (1957); Harvard School of Law (Master of Law) (1957-1958); "Habilitation" in International Law at the Adam Mickiewicz University in Poznań (1960); Doctor *honoris causa* of the Universities of Ghent, Liège, Turin, Mainz and Geneva.

Assistant teacher and lecturer, Faculty of Law, Adam Mickiewicz University in Poznań (1948-1960); Dozent, Faculty of Law, Adam Mickiewicz University in Poznań (1961-1973), Pro-Dean at that Faculty (1961-1963); Visiting Scholar, School of International Affairs, Columbia University, New York (1963-1964); Visiting Professor at the Law Faculty, University of Geneva (1971 and 1979); Visiting Fellow, All Souls College, Oxford (1971-1972); Professor, Institute of Law, Polish Academy of Sciences, Warsaw (1973-1996); Honorary Professor, University of Bucharest.

Lectures at the Universities of Nottingham and London; International Faculty of Comparative Law in Strasbourg; Graduate Institute of International Studies at Geneva; College of Europe at Bruges, Belgium, and also the Clubs of International Law of Harvard, Duke and Oxford Universities; Max-Planck Institute in Heidelberg; Universities of Vienna and Graz; Faculty of Law, University of Paris II; Royal Institute of International Affairs, Chatham House; All Souls College, Oxford; Institut d'Etudes Politiques de Paris; Free University, Berlin; also Hersch Lauterpacht Lectures, Cambridge (1985); Cyril Foster Lecture, Oxford (1990); Lord Wilberforce Lecture (1990); Hugh Gaitskell Lecture (1991);

and numerous other lectures in European, American, Australian and Asian Societies of Political and Legal Sciences or International Relations.

Member of "Solidarity" (since 1980); Member of the Primate of Poland Social Council (1981-1984); Member of the Co-ordinating Committee of the Poland-Federal Republic of Germany Forum, representing the secretariat of the Polish Episcopate (1984-1989); Member of the Consultative Council to the Chairman of the Council of State of the Polish People's Republic (1986-1989); Minister for Foreign Affairs (1989-1993).

Member (since 4 December 1993) and President (since 16 February 1994) of the Iran-United States Claims Tribunal.

Judge *ad hoc* in the International Court of Justice in the case concerning *East Timor (Portugal* v. *Australia)*.

Co-founder and first Chairman of the Council on Foreign Policy (Warsaw, 1996).

Member of the Academies of Sciences of Warsaw and of Cracow; Correspondent, Institut de France; Member of the Society of Arts and Sciences, Poznań; Western Institute, Poznań; International Law Association (Polish branch); Institut de droit international (First Vice-President, 1995-1997); American Society of International Law (Honorary Member, 1991); Société française pour le droit international; Deutsche Gesellschaft für Völkerrecht; Oxford Society; Codrington Club; Honorary Bencher, Gray's Inn. Curator, United Nations Student Association, Poznań (1960-1973).

Gold Cross of Merit (1977); Knight's Cross of the Order of Polonia Restituta (1986); Grand Cross of the same Order (1993); Cavaliere di Gran Croce, Ordine Piano (Holy See, 1991); Grand Officier de la Legion d'honneur (1991); Grosskreuz des Verdienstordens der Bundesrepublik Deutschland (1991); Order of Diplomatic Merit of the Republic of Korea (1991); Cross of Merit of the Republic of Hungary (1994).

Alexander von Humboldt Foundation research prize (1984); Wartburg Prize, Germany (1992).

Author of four books and some 100 articles in law journals or collections of studies, also chapters in collective books and reports, on legal aspects of Polish-German relations, in particular the border between the two countries; use of force by States and law of armed conflicts; law of international organizations; theory of international law, including its sources; rights of individuals.

Judge *ad hoc* Elihu LAUTERPACHT

(Judge *ad hoc* in the case concerning the *Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosnia and Herzegovina* v. *Yugoslavia)*)

Born in London, United Kingdom, on 13 July 1928.

Cambridge University, B.A. (1949); L.L.M. (1950); Whewell Scholar in International Law (1950).

Lecturer (1955) and Reader (1982) in International Law, University of Cambridge.

Director of the Research Centre for International Law (1983-1995) and Honorary Professor of International Law, University of Cambridge.

Fellow of Trinity College, Cambridge (1953).

Barrister (1950); Queen's Counsel (1970); Bencher of Gray's Inn.

Commander of the British Empire (C.B.E.) (1989).

Legal Adviser of the Australian Department of Foreign Affairs (1975-1977); deputy leader of the Australian delegation to the United Nations General Assembly (1975-1977); deputy leader of the Australian delegation to the United Nations Law of the Sea Conference (1975-1977).

Counsel or advocate in numerous cases before the International Court of Justice, the European Commission of Human Rights, the Iran-United States Claims Tribunal, various international arbitral tribunals and national courts; counsel and adviser to many Governments and corporations.

Member of the Panel of Arbitrators of the International Centre for the Settlement of Investment Disputes (since 1974); Member of the Panel of Arbitrators of the Dispute Settlement Centre of the International Energy Agency (since 1980).

Chairman of the East African Common Market Tribunal (1972-1975); Member (since 1979) and President (since 1996) of the World Bank Administrative Tribunal; Chairman of the Asian Development Bank Administrative Tribunal (1992-1995); Chairman of the Dispute Settlement Panel under Chapter XX of the North American Free Trade Agreement (1996); President of an International Centre for the Settlement of Investment Disputes (Additional Facility) Arbitration Tribunal established pursuant to Chapter XI of the North American Free Trade Agreement (1997-); Member of an ICSID Arbitration Tribunal (1997-).

Member of the Institute of International Law; Honorary Member of the American Society of International Law.

Director, English-speaking Section, Research Centre of the Hague Academy of International Law (1959 and 1960); delivered course of lectures at the Hague Academy of International Law on "The Development of the Law of International Organization by the Decisions of International Tribunals" (1976) and on "Principles of International Litigation" (1996).

Editor of the *International Law Reports* (since 1960) and founder editor of *British Practice in International Law*.

Publications include *Aspects of the Administration of International Justice* (1991); "The Development of the Law of International Organization by the Decisions of International Tribunals", Hague Academy of International Law, *Recueil des cours* (1976); *Jerusalem and the Holy Places* (1968); and many articles.

Judge *ad hoc* Marc LALONDE

(Judge *ad hoc* in the case concerning *Fisheries Jurisdiction (Spain v. Canada)*)

Born in Ile Perrot, Quebec, Canada, on 26 July 1929.

B.A., St. Laurent College, Montreal (1950); LL.L., University of Montreal (1954); M.A. (Law), University of Montreal (1955); M.A. (Oxon.) (Economics and Political Science), Oxford University (1957); Diploma of Superior Studies in Law, University of Ottawa (1960); LL.D. *honoris causa*, Limburg University, Netherlands (1993).

Called to the Bar of Quebec (1955).

Professor of Commercial Law and Economics, University of Montreal (1957-1959); Special Assistant to the Canadian Minister of Justice (1959-1960); Partner, Gélinas, Bourque, Lalonde & Benoit, Montreal (1960-1967); Lecturer in Administrative Law for Doctoral Students, University of Ottawa and University of Montreal (1961-1962); Policy Adviser to Lester B. Pearson, Prime Minister of Canada (1967-1968); Principal Secretary to Pierre E. Trudeau, Prime Minister of Canada (1968-1972); Member of Parliament (1972-1984); Minister of Health and Welfare (1972-1977); Minister Responsible for the Status of Women (1974-1979); Minister of State Responsible for Federal-Provincial Relations (1977-1978); Minister of Justice and Attorney General for Canada (1978-1979); Minister of Energy, Mines and Resources (1980-1982); Minister of Finance (1982-1984); Partner, Stikeman, Elliott, Montreal, Quebec (since 1984).

Member of the Board of Directors of Citibank Canada, Orléans Resources Inc., and O & Y Properties Corporation.

Member of the International Advisory Council to the Presidium of Ukraine (since 1990); the Advisory Committee on Constitutional Matters in Czechoslovakia (1989-1991); the International Advisory Council of Air France (1991-1994).

Chairman of the Council of Governors, Canada-Chile Board of Trade (since 1995). Chairman of Hôtel-Dieu Hospital, Montreal, Quebec (since 1984).

Member of the Quebec Bar; the Law Society of Upper Canada (Ontario Bar); the American Bar Association (associate member); the International Bar Association; the Canadian Bar Association; the Chambre de Commerce de Montréal; the Chambre de Commerce France-Canada; the International Council on Commercial Arbitration; the Corporate Counsel Committee, American Arbitration Association; the Board of Directors and Executive Committee of the American Arbitration Association; Chairman of the North American Users Committee of the London Court of International Arbitration; Corresponding Member of the Institute of International Business Law and Practice of the International Chamber of Commerce; the Advisory Board of the Asia/Pacific Centre for the Resolution of the International Business Disputes; the Canadian

Arbitration Committee of the International Chamber of Commerce; Member of the Council of the Royal College of Physicians and Surgeons of Canada (lay member) (1995-1996).

Has written a number of articles and delivered lectures in Canada and abroad on arbitration. Has also been a frequent speaker to national and international conferences in the Canada-United States Free Trade Agreement and the North American Free Trade Agreement.

Queen's Counsel (1971); Member of the Privy Council of Canada (1972); Order of Canada (1989).

Judge *ad hoc* Santiago TORRES BERNÁRDEZ

(Judge *ad hoc* in the cases concerning *Maritime Delimitation and Territorial Questions between Qatar and Bahrain (Qatar* v. *Bahrain)* and *Fisheries Jurisdiction (Spain* v. *Canada)*)

Born in Vigo, Spain, on 18 November 1929.

Licenciado (1952) and Doctor of Law (1959) of the University of Valladolid, Spain. *Diplomé d'études supérieures européennes* (1955) and Doctor of Law (1957) of the University of Saar, Germany. Doctor *Honoris Causa* of Law (1993) of the University of Alcalá de Henares, Spain.

Member of the Madrid Bar Association. Legal consultant and counsel or advocate in international cases.

Member of the Permanent Court of Arbitration; Member of the Humanitarian Fact-Finding Commission; Member of the Institute of International Law; Member of the International Law Association; Honorary Member of the Spanish Association of International Law Professors; Member of the Société française pour le droit international; Member of the American Society of International Law; Associate Member of the Hispano-Luso-American Institute of International Law. Vice-president of the NGO "Spain with the UNHCR".

Judge *ad hoc* in the International Court of Justice in the case concerning the *Land, Island and Maritime Frontier Dispute (El Salvador/Honduras: Nicaragua intervening)* (1989-1992).

Former Registrar of the International Court of Justice (1980-1986). Former Member of the Office of Legal Affairs of the Secretariat of the United Nations (1959-1980) being, since 1975, Deputy Director of the Codification Division and Deputy Secretary of the International Law Commission. During that period served continually United Nations legal bodies (Sixth Committee of the General Assembly; International Law Commission; special or *ad hoc* committees), participating also in all the United Nations diplomatic conferences convened between 1960 and 1980 for the purpose of the progressive development of international law and its codification.

Expert of the United Nations in the Committee established by the

International Committee of the Red Cross for the study of a prohibition of specific conventional weapons, including those which may be deemed to be excessively injurious or have indiscriminate effects (1973); Member of the United Nations delegation in the Diplomatic Conference on the reaffirmation and development of international humanitarian law applicable in armed conflicts (1974-1977); Member of the observer mission sent to Panama by the United Nations Secretary-General to monitor the constitutional referendum on the ratification of the Treaties on the Panama Canal (1977).

Professor in the Instituto Universitario Ortega y Gasset, Madrid. Has given many lectures at various universities and societies in Spain and abroad.

Addressed, in 1995, the United Nations Congress on Public International Law on the topic "La función de la Corte Internacional de Justicia en el sistema de la Carta de las Naciones Unidas".

Delivered in 1995 course of lectures at the Hague Academy of International Law on "L'intervention dans la procédure de la Cour internationale de Justice" (*Recueil des cours*, Vol. 256). Director (1970) of the French-speaking Section of the Research Centre of the Hague Academy of International Law (subject: interpretation of treaties).

Author of various published studies and articles on questions of international law and international organizations and procedures, including: *À propos de l'interprétation et de la revision des arrêts de la Cour internationale de Justice*, 1987; *Resignations at the World Court*, 1988; *La reciprocidad en el sistema de jurisdicción obligatoria establecido en el Artículo 36, párrafo 2, del Estatuto de la Corte Internacional de Justicia*, 1988; "Subsidiary Organs of International Organizations", in *A Handbook on International Organizations*, published by the Hague Academy of International Law, 1988; "Problems and Issues Raised by 'Crimes of States': An Overview", *International Crimes of States. A Critical Analysis of the ILC's Draft Article 19 on State Responsibility*, 1989; "L'arbitrage interétatique. Avec des références particulières à la Convention européenne pour le règlement des différends du 20 avril 1957", in *The Peaceful Settlement of International Disputes in Europe: Future Prospects*, Workshop of the Hague Academy of International Law, 1990; "Observations on 'Non-Appearance' before the International Court of Justice", *Annuaire de l'Institut de droit international*, session de Bâle, Vol. 64 I, 1991; "Succession d'Etats", in Unesco, *Droit international. Bilan et perspectives*, 1991; *Reciprocity in the System of Compulsory Jurisdiction and in Other Modalities of Contentious Jurisdiction Exercised by the International Court of Justice*, 1992; *Perspectivas en la contribución de las Naciones Unidas al mantenimiento de la paz y la seguridad internacionales: Comentarios y observaciones sobre la Declaración de los Miembros del Consejo de Seguridad de 31 de enero de 1992*, 1993; "Spain and the Jurisdiction of the International Court of Justice: From Past to Present", *Archiv des Völkerrechts*, 1994; *The* Uti Possidetis Juris *Principle in Historical Perspective*, 1994; "Some Considerations on the Respective

Roles of the Security Council and the International Court of Justice with Respect to 'the Prevention of Aggravation of Disputes' in the Domain of the Pacific Settlement of International Disputes or Situations", in *Proceedings of the Qatar International Law Conference '94* (United Nations Decade of International Law), 1995; *La Corte Internacional de Justicia en el sistema de la Carta en el cincuenta aniversario de las Naciones Unidas*, Universidad Carlos III, Madrid, 1996.

Awarded the Spanish Great Cross of Civil Merit (1987) and other foreign decorations (all after 1987).

Judge *ad hoc* Mohamed SHAHABUDDEEN

(Judge *ad hoc* in the case concerning *Maritime Delimitation and Territorial Questions between Qatar and Bahrain (Qatar* v. *Bahrain)*)

For his biography see Section II above, p. 46.

Judge *ad hoc* Ahmed Sadek EL-KOSHERI

(Judge *ad hoc* in the cases concerning *Questions of Interpretation and Application of the 1971 Montreal Convention arising from the Aerial Incident at Lockerbie (Libyan Arab Jamahiriya* v. *United Kingdom)* and *Questions of Interpretation and Application of the 1971 Montreal Convention arising from the Aerial Incident at Lockerbie (Libyan Arab Jamahiriya* v. *United States of America)*)

Born at Cairo, Egypt, on 4 April 1932.

Licencié en Droit, Faculté de Droit (1952), D.E.S. Droit Musulman (1954), D.E.S. Droit Privé (1955), D.E.S. Droit Public (1956), Cairo University. D.E.S. en Sciences Politiques (1957), Diplôme de Droit Comparé (1959), Paris University. D.E.S. en Histoire et Philosophie de Droit (1960), Doctorat d'Etat en Droit (1962), Rennes University.

Faculty Member of the Law School, Ain Shams University, Cairo (1958-1974). Visiting Professor, Beirut Arab University (1963-1964) and Nanterre University (Paris X) (1987-1988). Professor of International Economic Law and Vice-President of Senghor University, Alexandria.

Partner of Kosheri, Rashed and Riad law firm, Cairo.

Member of the Egyptian Conseil d'Etat (1952-1958). Legal Adviser of the Ministry of Oil and Finance, Kuwait (1968-1969). Founding General Counsel of the Arab Fund for Economic and Social Development, Kuwait (1973-1974). Secretary-General of the Islamic Development Bank, Jeddah (1978).

Member of the Institut de droit international. Member of the Council for International Commercial Arbitration (ICCA). Member of the Con-

seil d'Arbitrage Franco-Arabe. Member of the Scientific Council of the International Business Law Institute, International Chamber of Commerce, Paris.

Author of numerous books and articles on general public international law, international commercial law and on international arbitration.

Judge *ad hoc* Prince Bola Adesumbo AJIBOLA

(Judge *ad hoc* in the case concerning the *Land and Maritime Boundary between Cameroon and Nigeria (Cameroon* v. *Nigeria)*)

Born to the Royal Family of Gbdaela II, on 22 March 1934, in Ago-Owu, Abeokuta, Ogun State, Nigeria.

Called to the Bar, Lincoln's Inn, 1962 (Barrister-at-Law); holds Bachelor of Laws Degree of London University; LL.D. *(honoris causa)* of the University of Buckingham (Chancellor the Rt. Hon. Baroness Margaret Thatcher) (1996).

Legal practitioner for 23 years, mostly in Lagos and also in all other parts of Nigeria; Principal Partner of Bola Ajibola and Co., with offices in Lagos, Ikeja, Abeokuta and Kaduna (specialization: commercial law practice with particular bias for international arbitration).

Attorney-General and Minister of Justice of the Federal Republic of Nigeria (1985-1991); President of the Association of Arbitrators of Nigeria; President of the Nigerian Bar Association (1984-1985); conferment of an Award of Senior Advocate of Nigeria (1986); Chairman of the Body of Senior Advocates of Nigeria (1985-1991); Chairman of the Disciplinary Committee of the Bar (1985-1991); Chairman of the General Council of the Bar (1985-1991); Chairman of the Advisory Committee on the Prerogative of Mercy (1985-1991); Member of the Advisory Judicial Committee (1985-1991); Member of the Judicial Service Committee (Abuja) (1987-1991); Vice-Chairman of the Body of Benchers (1989-1990); Chairman of the Body of Benchers (1990-1991); Member of the Nigeria Police Council (1989-1991); Chairman of the Task Force for the Revision of the Laws of the Federation (1990).

Leader of the Nigerian Delegation to the United States of America to Initial an Executive Agreement on Procedure for Mutual Assistance on Law Enforcement Matters (1987) and of the Delegation to conclude a Treaty on Mutual Assistance in Criminal Matters (1989), of the Delegation to the United Kingdom to conclude a Treaty concerning the Investigation and Prosecution of Crime and the Confiscation of the Proceeds of Crime (1989), and of the Delegation to the Islamic Republic of Iran and to Algeria, for bilateral talks on Technical and Legal Co-operation (1991).

Member of the Nigerian Delegation to the United Nations General Assembly and Nigerian representative to the Sixth Committee (1986); temporary President of the United Nations General Assembly at its

seventeenth special session on narcotic drugs (1990); Member of the International Law Commission (1986-1991).

Member of the International Court of Justice from 5 December 1991 to 5 February 1994.

Member of the World Bank Administrative Tribunal; Member of the Constitutional Court of the Federation of Bosnia and Herzegovina (since 1995); Member of the United Nations Compensation Commission.

Member of the Permanent Court of Arbitration (The Hague), of its Steering Committee and of the Board of Trustees of its Financial Assistance Fund; Member of the International Chamber of Commerce Court of Arbitration, Paris; Member of the International Maritime Arbitration Commission, Paris; Member of the Board of the London Court of International Arbitration; President of the Pan-African Council of the London Court of International Arbitration.

Initiated the first ever African Law Ministers Conference, Abuja (1989) (attended by 32 African countries); Chairman of Meeting of ECOWAS Council of Law Ministers, Lagos, Nigeria (1990), where the Treaty Establishing the Court for the Economic Community of West African States was drafted and agreed to by ECOWAS law ministers; leader of the Nigerian Delegation to the Ethiopian All-Party Conference on Peaceful and Democratic Transition (1991); Chairman of the First Meeting of the Working Committee, All-Africa Law Ministers Conference, Cairo (1991); Member of the Nigerian Delegation to the World Peace through Law Conferences in Seoul, South Korea (1987), and Beijing, China (1990); leader of the Nigerian Delegation to the World Conference on the Reform of Criminal Law, Canada (1987), to the Commonwealth Law Conference in Auckland, New Zealand (1990) and the Commonwealth Law Ministers Conference in Christchurch, New Zealand (1990); leader of the Nigerian Delegation to the World Ministerial Drugs Summit on Action to Reduce the Demand for Drugs and to Combat Cocaine Threat, London (1990), and to the 17th Session of the Asian African Legal Consultative Committee in Cairo (1991). President of the World Association of Judges; Vice-President of the International Contractual Relations Commission of the International Chamber of Commerce (1976-1980); Vice-President of the Institute of International Business Law and Practice, Paris; represented Africa in the demonstration trial on the law of the sea at the World Peace through Law Conference (Manila, 1977); Fellow of the Chartered Institute of Arbitrators; Fellow of the Nigerian Institute of Advanced Legal Studies; Friend of the Institute of Advanced Legal Studies, London; Honorary Vice-President of the Association of Arbitrators (South Africa).

Member of the International Bar Association and the Association of World Lawyers.

Member of the Governing Board of the International Maritime Law Institute of the International Maritime Organization (IMO); Member of the Board of Directors of the International Development Law Institute, Rome.

President and Founder of "African Concern" (a non-political, non-religious, non-profit-making, non-governmental organization), Lusaka, Zambia (1995).

Editor, *Nigeria's Treaties in Force*, 1970-1990; Editor, *All Nigeria Law Reports*, 1961-1990; Editor-in-Chief, *Justice* (a monthly journal of contemporary legal problems); General Editor of the *Federal Ministry of Justice Law Review Series (FMJLRS)*; Member of the Editorial Advisory Board of the University of Buckingham.

Publications include: *Principles of Arbitration*, 1980; *New Concepts in the Resolution of Disputes in International Construction Contracts*, 1981; *Work Paper on International Commercial Arbitration*, 1982; *Arbitration and State Enterprises — Case Study of Nigerian Cement Transactions*, 1983; *Modernization of National Arbitration Laws in Aid of International Commercial Arbitration*, 1984; *The Law and Settlement of Commercial Disputes*, 1984; *Law Development and Administration in Nigeria*, 1987; *Towards a Better Administration of Justice System in Nigeria*, 1988; *Integration of the African Continent through Law*, 1988; *Narcotics: Law and Policy in Nigeria*, 1989; *Compensation and Remedies for Victims of Crime*, 1989; *Banking Frauds and Other Financial Malpractices in Nigeria*, 1989; *Women and Children under Nigerian Law*, 1990; *Scheme relating to Mutual Assistance in Criminal Matters and the Control of Criminal Activities within Africa*, 1990; "Human Rights under Military Rule in Africa: The Nigerian Experience" in *Essays in Honour of Judge Taslim Olawale Elias*, 1991. Gave a series of lectures on human rights in Accra, Ghana, under the auspices of the Ghana Bar Association, entitled: "Human Rights Agenda for a Stable 21st Century". Author of numerous articles and conference papers.

1987 World Jurist Award (under the auspices of World Peace through Law at Seoul); Senior Advocate of Nigeria; Recipient of 1986 Ogun State of Nigeria Outstanding Citizen Merit Award; Life Member, Nigerian Institute of International Affairs; Life Member, Body of Benchers, Nigeria; Knight of the Order of the British Empire; Patron of the Nigerian Society of International Law.

Judge *ad hoc* Milenko KREĆA

(Judge *ad hoc* in the case concerning the *Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosnia and Herzegovina* v. *Yugoslavia)*)

Born in Sisak, Croatia, on 19 August 1947.

Received M.A. and Ph.D. (LL.D.) degrees *cum laude* from the School of Law, Belgrade University.

Upon graduation, practised law as an attorney (1973-1974).

Assistant Professor (1975), Docent (1978) and Associate Professor (1985) at the Belgrade School of Law. Full-time Professor of

International Public Law (1990) and Associate Dean (1989-1991) at the Belgrade School of Law.

Was on several occasions legal adviser to the Ministry of Foreign Affairs and Government of the Federal Republic of Yugoslavia and to other organs of the Republic of Serbia and the Federal Republic of Yugoslavia.

Papers and books: *Practical Course in International Law* (co-author), 1980; *International Public Law* (co-author), 1983, 1986, 1989, 1990, 1991, 1993, 1996; *Sources of International Public Law*, 1979, 1985; *Treaty-making Power of the State in International Law, with a Special Review of Federal States*, 1988; *Absolutely Binding Norms (Ius Cogens) in International Public Law*, 1989; *Material for International Public Law*, I-III (co-author), 1988-1989; *Law of the Sea – Scientific Research of the Sea and Transfer of Marine Technology*, 1990; *Treaty-making Power of the State in International Law*, 1991. Author of over 70 articles and papers in Serbian and foreign languages, including: "Some General Reflections on Main Features of *Ius Cogens* as a Notion of International Public Law", in *New Directions in International Law, Essays in Honour of W. Abendroth*, 1982; "Quelques observations sur le problème de la hiérarchie des règles de droit dans le droit international public", in *Yugoslav Review of International Law*, No. 1, 1980; "Constitutional Provisions Regulating Activity of Federal Units in International Relations", in *Yugoslav Review of International Law*, No. 1, 1992.

CHAPTER III

JURISDICTION OF THE COURT

I. Jurisdiction in Contentious Cases

It is the function of the International Court of Justice to decide in accordance with international law such disputes as are submitted to it (Statute, Art. 38, para. 1). Its jurisdiction in this respect is defined in Article 93 of the Charter of the United Nations and in Articles 34-37 of the Statute of the Court.

1. States Entitled to Appear before the Court

Article 34, paragraph 1, of the Statute provides that: "Only States may be parties in cases before the Court." International organizations, other collectivities and private persons are therefore not entitled to institute proceedings before the Court.

A State entitled to appear before the Court may fall into one of three categories:

(a) *States Members of the United Nations*

Article 35, paragraph 1, of the Statute provides that the Court shall be open to the States parties to the Statute, and Article 93, paragraph 1, of the Charter of the United Nations provides that all Members of the United Nations are *ipso facto* parties to the Statute.

On 31 July 1997 the following 185 States were Members of the United Nations:

State	*Date of Admission*
Afghanistan	19 November 1946
Albania	14 December 1955
Algeria	8 October 1962
Andorra	28 July 1993
Angola	1 December 1976
Antigua and Barbuda	11 November 1981
Argentina	Original Member
Armenia	2 March 1992
Australia	Original Member
Austria	14 December 1955
Azerbaijan	2 March 1992
Bahamas	18 September 1973
Bahrain	21 September 1971
Bangladesh	17 September 1974
Barbados	9 December 1966

State	*Date of Admission*
Belarus	Original Member
Belgium	" "
Belize	25 September 1981
Benin	20 September 1960
Bhutan	21 September 1971
Bolivia	Original Member
Bosnia and Herzegovina	22 May 1992
Botswana	17 October 1966
Brazil	Original Member
Brunei Darussalam	21 September 1984
Bulgaria	14 December 1955
Burkina Faso	20 September 1960
Burundi	18 September 1962
Cambodia	14 December 1955
Cameroon	20 September 1960
Canada	Original Member
Cape Verde	16 September 1975
Central African Republic	20 September 1960
Chad	" "
Chile	Original Member
China	" "
Colombia	" "
Comoros	12 November 1975
Congo	20 September 1960
Costa Rica	Original Member
Côte d'Ivoire	20 September 1960
Croatia	22 May 1992
Cuba	Original Member
Cyprus	20 September 1960
Czech Republic	19 January 1993
Democratic People's Republic of Korea	17 September 1991
Democratic Republic of the Congo	20 September 1960
Denmark	Original Member
Djibouti	20 September 1977
Dominica	18 December 1978
Dominican Republic	Original Member
Ecuador	" "
Egypt	" "
El Salvador	" "
Equatorial Guinea	12 November 1968
Eritrea	28 May 1993
Estonia	17 September 1991
Ethiopia	Original Member
Fiji	13 October 1970
Finland	14 December 1955
France	Original Member

State	*Date of Admission*
Gabon	20 September 1960
Gambia	21 September 1965
Georgia	31 July 1992
Germany	18 September 1973
Ghana	8 March 1957
Greece	Original Member
Grenada	17 September 1974
Guatemala	Original Member
Guinea	12 December 1958
Guinea-Bissau	17 September 1974
Guyana	20 September 1966
Haiti	Original Member
Honduras	" "
Hungary	14 December 1955
Iceland	19 November 1946
India	Original Member
Indonesia	28 September 1950
Iran (Islamic Republic of)	Original Member
Iraq	" "
Ireland	14 December 1955
Israel	11 May 1949
Italy	14 December 1955
Jamaica	18 September 1962
Japan	18 December 1956
Jordan	14 December 1955
Kazakhstan	2 March 1992
Kenya	16 December 1963
Kuwait	14 May 1963
Kyrgyzstan	2 March 1992
Lao People's Democratic Republic	14 December 1955
Latvia	17 September 1991
Lebanon	Original Member
Lesotho	17 October 1966
Liberia	Original Member
Libyan Arab Jamahiriya	14 December 1955
Liechtenstein	18 September 1990
Lithuania	17 September 1991
Luxembourg	Original Member
Madagascar	20 September 1960
Malawi	1 December 1964
Malaysia	17 September 1957
Maldives	21 September 1965
Mali	28 September 1960
Malta	1 December 1964
Marshall Islands	17 September 1991
Mauritania	27 October 1961

State	*Date of Admission*
Mauritius	24 April 1968
Mexico	Original Member
Micronesia (Federated States of)	17 September 1991
Monaco	28 May 1993
Mongolia	27 October 1961
Morocco	12 November 1956
Mozambique	16 September 1975
Myanmar	19 April 1948
Namibia	23 April 1990
Nepal	14 December 1955
Netherlands	Original Member
New Zealand	.. ..
Nicaragua	.. ..
Niger	20 September 1960
Nigeria	7 October 1960
Norway	Original Member
Oman	7 October 1971
Pakistan	30 September 1947
Palau	15 December 1994
Panama	Original Member
Papua New Guinea	10 October 1975
Paraguay	Original Member
Peru	.. ..
Philippines	.. ..
Poland	.. ..
Portugal	14 December 1955
Qatar	21 September 1971
Republic of Korea	17 September 1991
Republic of Moldova	2 March 1992
Romania	14 December 1955
Russian Federation	Original Member
Rwanda	18 September 1962
Saint Kitts and Nevis	23 September 1983
Saint Lucia	18 September 1979
Saint Vincent and the Grenadines	16 September 1980
Samoa	15 December 1976
San Marino	2 March 1992
Sao Tome and Principe	16 September 1975
Saudi Arabia	Original Member
Senegal	28 September 1960
Seychelles	21 September 1976
Sierra Leone	27 September 1961
Singapore	21 September 1965
Slovakia	19 January 1993
Slovenia	22 May 1992
Solomon Islands	19 September 1978

State	*Date of Admission*
Somalia	20 September 1960
South Africa	Original Member
Spain	14 December 1955
Sri Lanka	.. ..
Sudan	12 November 1956
Suriname	4 December 1975
Swaziland	24 September 1968
Sweden	19 November 1946
Syrian Arab Republic	Original Member
Tajikistan	2 March 1992
Thailand	16 December 1946
The former Yugoslav Republic of Macedonia	8 April 1993
Togo	20 September 1960
Trinidad and Tobago	18 September 1962
Tunisia	12 November 1956
Turkey	Original Member
Turkmenistan	2 March 1992
Uganda	25 October 1962
Ukraine	Original Member
United Arab Emirates	9 December 1971
United Kingdom of Great Britain and Northern Ireland	Original Member
United Republic of Tanzania	14 December 1961
United States of America	Original Member
Uruguay	.. ..
Uzbekistan	2 March 1992
Vanuatu	15 September 1981
Venezuela	Original Member
Viet Nam	20 September 1977
Yemen	30 September 1947
Yugoslavia	Original Member
Zambia	1 December 1964
Zimbabwe	25 August 1980

(b) *States, not members of the United Nations, parties to the Statute*[1]

Article 93, paragraph 2, of the Charter of the United Nations provides that States which are not members of the United Nations may become parties to the Statute of the Court on conditions to be determined in each case by the General Assembly upon the recommendation of the Security Council.

The conditions laid down have hitherto been the same in each case. They were laid down for the first time as a result of a request by the Swiss

[1] The full text of the resolutions referred to in this section is given on pages 175-183 of *I.C.J. Acts and Documents No. 5*.

Federal Council; on that occasion the General Assembly, on 11 December 1946, adopted resolution 91 (I) which prescribed the following conditions:

> "*(a)* Acceptance of the provisions of the Statute of the International Court of Justice;
>
> *(b)* Acceptance of all the obligations of a Member of the United Nations under Article 94 of the Charter;
>
> *(c)* An undertaking to contribute to the expenses of the Court such equitable amount as the General Assembly shall assess from time to time after consultation with the Swiss Government."[1]

The date on which the State concerned becomes a party to the Statute is that of the deposit with the Secretary-General of the United Nations of the instrument of acceptance of the conditions.

Pursuant to Article 4, paragraph 3, of the Statute, the conditions on which such a State may participate in the election of Members of the Court were laid down in resolution 264 (III) adopted by the General Assembly, upon the recommendation of the Security Council, on 8 October 1948. The operative part of this resolution lays down that:

> "1. Such a State shall be on an equal footing with the Members of the United Nations in respect to those provisions of the Statute which regulate the nominations of candidates for election by the General Assembly.
>
> 2. Such a State shall participate, in the General Assembly, in electing the members of the Court in the same manner as the Members of the United Nations.
>
> 3. Such a State, when in arrears in the payment of its contribution to the expenses of the Court, shall not participate in electing the members of the Court in the General Assembly if the amount of its arrears equals or exceeds the amount of the contribution due from it for the preceding two full years. The General Assembly may, nevertheless, permit such a State to participate in the elections if it is satisfied that the failure to pay is due to conditions beyond the control of that State (see Charter, Article 19)."

The participation of such States in the procedure for amending the Statute of the Court (Charter, Art. 108; Statute, Art. 69) is governed by the following provisions of resolution 2520 (XXIV) adopted by the General Assembly, upon the recommendation of the Security Council, on 4 December 1969:

> "*(a)* A State which is a party to the Statute of the International Court of Justice, but is not a Member of the United Nations, may participate in the General Assembly in regard to amendments to the Statute in the same manner as the Members of the United Nations;
>
> *(b)* Amendments to the Statute of the International Court of Jus-

[1] See below, Chap. VIII, p. 273.

tice shall come into force for all States which are parties to the Statute when they have been adopted by a vote of two-thirds of the States which are parties to the Statute and ratified in accordance with their respective constitutional processes by two-thirds of the States which are parties to the Statute and in accordance with the provisions of Article 69 of the Statute and Article 108 of the Charter of the United Nations."

The following States not members of the United Nations are at present parties to the Statute[1]:

State	*Resolution of the General Assembly*	*Deposit of the instrument of acceptance*
Nauru	42/21, 18 November 1987	29 January 1988
Switzerland	91 (I), 11 December 1946	28 July 1948

(c) *States, not parties to the Statute, to which the Court may be open*

The Court, which is open to States parties to the Statute, is also open to other States, in accordance with Article 35, paragraph 2, of the Statute[2]. This Article provides that the conditions upon which the Court shall be open to such States shall, subject to the special provisions contained in treaties in force, be laid down by the Security Council, but in no case shall such conditions place the parties in a position of inequality before the Court.

On 15 October 1946, the Security Council adopted resolution 9 (1946) which reads as follows:

"The Security Council

In virtue of the powers conferred upon it by Article 35, paragraph 2, of the Statute of the International Court of Justice and subject to the provisions of that Article,

Resolves that:

1. The International Court of Justice shall be open to a State which is not a party to the Statute of the International Court of Justice, upon the following condition, namely, that such State shall previously have deposited with the Registrar of the Court a declaration by which it accepts the jurisdiction of the Court, in accordance with the Charter of the United Nations and with the terms and subject to the conditions of the Statute and Rules of the Court, and undertakes to comply in good faith with the decision or decisions of the Court and to accept all the obligations of a Member of the United Nations under Article 94 of the Charter;

2. Such declaration may be either particular or general. A particular declaration is one accepting the jurisdiction of the Court in respect

[1] Before becoming Members of the United Nations, Japan, Liechtenstein and San Marino were parties to the Statute of the Court, as from 2 April 1954, 29 March 1950 and 18 February 1954 respectively.

[2] See also Rules, Art. 26, para. 1 (*c*), and Art. 41, and below, Chap. VIII, p. 273.

only of a particular dispute or disputes which have already arisen. A general declaration is one accepting the jurisdiction generally in respect of all disputes or of a particular class or classes of disputes which have already arisen or which may arise in the future. A State, in making such a general declaration, may, in accordance with Article 36, paragraph 2, of the Statute, recognize as compulsory, *ipso facto* and without special agreement, the jurisdiction of the Court, provided, however, that such acceptance may not, without explicit agreement, be relied upon vis-à-vis States parties to the Statute which have made the declaration in conformity with Article 36, paragraph 2, of the Statute of the International Court of Justice;

3. The original declarations made under the terms of this resolution shall be kept in the custody of the Registrar of the Court, in accordance with the practice of the Court. Certified true copies thereof shall be transmitted, in accordance with the practice of the Court, to all States parties to the Statute of the International Court of Justice, and to such other States as shall have deposited a declaration under the terms of this resolution, and to the Secretary-General of the United Nations;

4. The Security Council reserves the right to rescind or amend this resolution by a resolution which shall be communicated to the Court, and on the receipt of such communication and to the extent determined by the new resolution, existing declarations shall cease to be effective except in regard to disputes which are already before the Court;

5. All questions as to the validity or the effect of a declaration made under the terms of this resolution shall be decided by the Court."

In the past, particular declarations have been filed by Albania (1947) and by Italy (1953), and general declarations by Cambodia (1952), Ceylon (1952), the Federal Republic of Germany (1955, 1956, 1961, 1965 and 1971), Finland (1953 and 1954), Italy (1955), Japan (1951), Laos (1952), and the Republic of Viet Nam (1952).

2. Basis of the Court's Jurisdiction

The jurisdiction of the Court in contentious proceedings is based on the consent of the States to which it is open[1]. The form in which this consent

[1] In the following eight cases, the Court found that it could take no further steps upon an Application in which it was admitted that the opposing party did not accept its jurisdiction: *Treatment in Hungary of Aircraft and Crew of United States of America (United States of America v. Hungary)*; *(United States of America v. USSR)*; *Aerial Incident of 10 March 1953 (United States of America v. Czechoslovakia)*; *Antarctica (United Kingdom v. Argentina)*; *(United Kingdom v. Chile)*; *Aerial Incident of 7 October 1952 (United States of America v. USSR)*; *Aerial Incident of 4 September 1954 (United States of America v. USSR)*; *Aerial Incident of 7 November 1954 (United States of America v. USSR)*. On 1 July 1978 the present Rules of Court came into force, Article 38, paragraph 5, of which provides:

is expressed determines the manner in which a case may be brought before the Court.

(a) *Special agreement*

Article 36, paragraph 1, of the Statute provides that the jurisdiction of the Court comprises all cases which the parties refer to it. Such cases normally come before the Court by notification to the Registry of an agreement known as a *special agreement* and concluded by the parties specially for this purpose[1]. The subject of the dispute and the parties must be indicated (Statute, Art. 40, para. 1; Rules, Art. 39).

(b) *Cases provided for in treaties and conventions*

Article 36, paragraph 1, of the Statute provides also that the jurisdiction of the Court comprises all matters specially provided for in treaties and conventions in force. In such cases a matter is normally brought before the Court by means of a written *application instituting proceedings*[2]; this is a unilateral document which must indicate the subject of the dispute and

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"When the applicant State proposes to found the jurisdiction of the Court upon a consent thereto yet to be given or manifested by the State against which such application is made, the application shall be transmitted to that State. It shall not however be entered in the General List, nor any action be taken in the proceedings, unless and until the State against which such application is made consents to the Court's jurisdiction for the purposes of the case."

Article 38, paragraph 5, has been applied with regard to an Application filed by Hungary on 23 October 1992, instituting proceedings against the Czech and Slovak Republic, and with regard to an Application filed by the Federal Republic of Yugoslavia on 16 March 1994, instituting proceedings against the Member States of NATO.

[1] The following 13 cases were submitted to the Court by means of special agreements: *Asylum (Colombia/Peru)*; *Minquiers and Ecrehos (France/United Kingdom)*; *Sovereignty over Certain Frontier Land (Belgium/Netherlands)*; *North Sea Continental Shelf (Federal Republic of Germany/Denmark; Federal Republic of Germany/Netherlands)*; *Continental Shelf (Tunisia/Libyan Arab Jamahiriya)*; *Delimitation of the Maritime Boundary in the Gulf of Maine Area (Canada/United States of America)* (case referred to a Chamber); *Continental Shelf (Libyan Arab Jamahiriya/Malta)*; *Frontier Dispute (Burkina Faso/Republic of Mali)* (case referred to a Chamber); *Land, Island and Maritime Frontier Dispute (El Salvador/Honduras)* (case referred to a Chamber); *Territorial Dispute (Libyan Arab Jamahiriya/Chad)*; *Gabčíkovo-Nagymaros Project (Hungary/Slovakia)*; *Kasikili/Sedudu Island (Botswana/Namibia)*. In the *Corfu Channel (United Kingdom v. Albania)* case the Parties made a special agreement after delivery of the Judgment on the Preliminary Objection. The case concerning the *Arbitral Award Made by the King of Spain on 23 December 1906 (Honduras v. Nicaragua)* was submitted by means of an application, but the Parties had previously concluded an agreement on the procedure to be followed in submitting the dispute to the Court.

[2] With the exception of the 13 cases listed above under footnote 1, which were brought by the notification of a special agreement, all contentious cases have been brought before the Court by reason of an application instituting proceedings, irrespective of whether the Court's jurisdiction was founded on a provision in a treaty or convention, declarations recognizing the Court's jurisdiction as obligatory made by each of the parties to the dispute, or any other alleged form of consent.

the parties (Statute, Art. 40, para. 1) and, as far as possible, specify the provision on which the applicant founds the jurisdiction of the Court (Rules, Art. 38).

A list of treaties and conventions governing the jurisdiction of the International Court of Justice in contentious cases is given in Chapter IV (Sec. III) of the present *Yearbook* (pp. 126-143). Furthermore, some of the agreements and conventions mentioned in Section I of Chapter IV (pp. 78-84) relate, in particular, to the jurisdiction of the Court in contentious proceedings.

To these instruments must be added other treaties and conventions concluded earlier and conferring jurisdiction upon the *Permanent Court of International Justice*, for Article 37 of the Statute of the International Court of Justice stipulates that whenever a treaty or convention in force provides for reference of a matter to a tribunal to have been instituted by the League of Nations, or to the *Permanent Court of International Justice*, the matter shall, as between the parties to the Statute, be referred to the International Court of Justice. The *Permanent Court* reproduced, in 1932, in its *Collection of Texts governing the Jurisdiction of the Court* (*P.C.I.J., Series D, No. 6*, fourth edition) and subsequently in Chapter X of its *Annual Reports* (*P.C.I.J., Series E, Nos. 8-16*) the relevant provisions of the instruments governing its jurisdiction. By virtue of the Article referred to above, some of these provisions now govern the jurisdiction of the International Court of Justice.

(c) *Compulsory jurisdiction in legal disputes*

The Statute provides that a State may recognize as compulsory, in relation to any other State accepting the same obligation, the jurisdiction of the Court in legal disputes. These cases are brought before the Court by means of written applications. The conditions on which such compulsory jurisdiction may be recognized are stated in paragraphs 2-5 of Article 36 of the Statute, which read as follows:

> "2. The States parties to the present Statute may at any time declare that they recognize as compulsory *ipso facto* and without special agreement, in relation to any other State accepting the same obligation, the jurisdiction of the Court in all legal disputes concerning:
>
> (*a*) the interpretation of a treaty;
> (*b*) any question of international law;
> (*c*) the existence of any fact which, if established, would constitute a breach of an international obligation;
> (*d*) the nature or extent of the reparation to be made for the breach of an international obligation.
>
> 3. The declarations referred to above may be made unconditionally or on condition of reciprocity on the part of several or certain States, or for a certain time.

4. Such declarations shall be deposited with the Secretary-General of the United Nations, who shall transmit copies thereof to the parties to the Statute and to the Registrar of the Court.

5. Declarations made under Article 36 of the Statute of the Permanent Court of International Justice and which are still in force shall be deemed, as between the parties to the present Statute, to be acceptances of the compulsory jurisdiction of the International Court of Justice for the period which they still have to run and in accordance with their terms."

Texts of declarations accepting the compulsory jurisdiction of the Court are given in Section II of Chapter IV below (pp. 84-125).

(d) *The Court itself decides any question as to its jurisdiction*

Article 36, paragraph 6, of the Statute provides that in the event of a dispute as to whether the Court has jurisdiction, the matter shall be settled by the decision of the Court. Article 79 of the Rules lays down the conditions which govern the filing of preliminary objections[1].

[1] Preliminary objections were raised in the following 26 cases: *Corfu Channel (United Kingdom v. Albania); Rights of Nationals of the United States of America in Morocco (France v. United States of America); Ambatielos (Greece v. United Kingdom); Anglo-Iranian Oil Co. (United Kingdom v. Iran); Nottebohm (Liechtenstein v. Guatemala); Monetary Gold Removed from Rome in 1943 (Italy v. France, United Kingdom and United States of America); Certain Norwegian Loans (France v. Norway); Right of Passage over Indian Territory (Portugal v. India); Interhandel (Switzerland v. United States of America); Aerial Incident of 27 July 1955 (Israel v. Bulgaria) (United States of America v. Bulgaria); Barcelona Traction, Light and Power Company, Limited (Belgium v. Spain); Compagnie du Port, des Quais et des Entrepôts de Beyrouth and Société Radio-Orient (France v. Lebanon); Temple of Preah Vihear (Cambodia v. Thailand); South West Africa (Ethiopia v. South Africa; Liberia v. South Africa); Northern Cameroons (Cameroon v. United Kingdom); Barcelona Traction, Light and Power Company, Limited (New Application: 1962) (Belgium v. Spain); Elettronica Sicula S.p.A. (ELSI) (United States of America v. Italy); Aerial Incident of 3 July 1988 (Islamic Republic of Iran v. United States of America); Certain Phosphate Lands in Nauru (Nauru v. Australia); Oil Platforms (Islamic Republic of Iran v. United States of America); Questions of Interpretation and Application of the 1971 Montreal Convention arising out of the Aerial Incident at Lockerbie (Libyan Arab Jamahiriya v. United Kingdom) (Libyan Arab Jamahiriya v. United States of America); Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosnia and Herzegovina v. Yugoslavia); Land and Maritime Boundary between Cameroon and Nigeria (Cameroon v. Nigeria).* Questions of jurisdiction or admissibility have also been raised in the following 13 cases: *Appeal Relating to the Jurisdiction of the ICAO Council (India v. Pakistan); Fisheries Jurisdiction (United Kingdom v. Iceland; Federal Republic of Germany v. Iceland); Nuclear Tests (Australia v. France) (New Zealand v. France); Trial of Pakistani Prisoners of War (Pakistan v. India); Aegean Sea Continental Shelf (Greece v. Turkey); United States Diplomatic and Consular Staff in Tehran (United States of America v. Iran); Military and Paramilitary Activities in and against Nicaragua (Nicaragua v. United States of America); Border and Transborder Armed Actions (Nicaragua v. Honduras); Maritime Delimitation and Territorial Questions between Qatar and Bahrain (Qatar v. Bahrain); East Timor (Portugal v. Australia); Fisheries Jurisdiction (Spain v. Canada).*

(e) *Interpretation of a judgment*

Article 60 of the Statute provides that in the event of dispute as to the meaning or scope of a judgment, the Court shall construe it upon the request of any party. The request for interpretation may be made either by means of a special agreement between the parties or of an application by one or more of the parties (Rules, Art. 98)[1].

(f) *Revision of a judgment*

An application for revision of a judgment may be made only when it is based upon the discovery of some fact of such a nature as to be a decisive factor, which fact was, when the judgment was given, unknown to the Court and also to the party claiming revision, always provided that such party's ignorance was not due to negligence (Statute, Art. 61, para. 1). A request for revision is made by means of an application (Rules, Art. 99)[2].

II. Advisory Jurisdiction

The advisory jurisdiction of the Court is governed by Article 65 of the Statute and Article 96 of the Charter of the United Nations.

By virtue of Article 65 of the Statute, the Court may give an advisory opinion on any legal question at the request of whatever body may be authorized by or in accordance with the Charter of the United Nations to make such a request. An exact statement of the questions upon which the advisory opinion is asked must be contained in a *request for an advisory opinion*.

Article 96, paragraph 1, of the Charter provides that advisory opinions may be asked of the Court by the General Assembly or the Security Council on any legal question. Paragraph 2 of this Article adds:

> "Other organs of the United Nations and specialized agencies, which may at any time be so authorized by the General Assembly, may also request advisory opinions of the Court on legal questions arising within the scope of their activities."

The following organs and agencies are at present authorized to request advisory opinions[3]:

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[1] An application for interpretation of the Judgment was made by Colombia in respect of the *Asylum (Colombia/Peru)* case, Cf. note 2, below.

[2] An application for revision and interpretation of the Judgment was filed by Tunisia in respect of the case concerning the *Continental Shelf (Tunisia/Libyan Arab Jamahiriya)*.

[3] The International Refugee Organization, which had been authorized to request advisory opinions of the Court, ceased to exist in 1952. The Havana Charter for an International Trade Organization, which provides for the jurisdiction of the Court in proceedings in regard to advisory opinions, has not entered into force.

United Nations:
- General Assembly[1],
- Security Council[2],
- Economic and Social Council[3],
- Trusteeship Council,
- Interim Committee of the General Assembly,
- Committee on Applications for Review of Administrative Tribunal Judgements (for judgements rendered before 1 January 1996)[4];

International Labour Organisation;
Food and Agriculture Organization of the United Nations;
United Nations Educational, Scientific and Cultural Organization[5];
World Health Organization[6];
International Bank for Reconstruction and Development;
International Finance Corporation;
International Development Association;
International Monetary Fund;
International Civil Aviation Organization;
International Telecommunication Union;
International Fund for Agricultural Development;
World Meteorological Organization;

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[1] The General Assembly has requested 14 advisory opinions of the Court in the following 13 cases: *Conditions of Admission of a State to Membership in the United Nations (Article 4 of the Charter); Reparation for Injuries Suffered in the Service of the United Nations; Interpretation of Peace Treaties with Bulgaria, Hungary and Romania, First Phase*; id., *Second Phase; Competence of the General Assembly for the Admission of a State to the United Nations; International Status of South West Africa; Reservations to the Convention on the Prevention and Punishment of the Crime of Genocide; Effect of Awards of Compensation Made by the United Nations Administrative Tribunal; Voting Procedure on Questions Relating to Reports and Petitions concerning the Territory of South West Africa; Admissibility of Hearings of Petitioners by the Committee on South West Africa; Certain Expenses of the United Nations (Article 17, Paragraph 2, of the Charter); Western Sahara; Applicability of the Obligation to Arbitrate under Section 21 of the United Nations Headquarters Agreement of 26 June 1947; Legality of the Threat or Use of Nuclear Weapons.*

[2] The Security Council requested an advisory opinion of the Court concerning the *Legal Consequences for States of the Continued Presence of South Africa in Namibia (South West Africa) notwithstanding Security Council Resolution 276 (1970).*

[3] The Economic and Social Council requested an advisory opinion of the Court in the case concerning the *Applicability of Article VI, Section 22, of the Convention on the Privileges and Immunities of the United Nations.*

[4] The Committee on Applications for Review of Administrative Tribunal Judgements requested an advisory opinion in the following three cases: *Application for Review of Judgement No. 158 of the United Nations Administrative Tribunal; Application for Review of Judgement No. 273 of the United Nations Administrative Tribunal; Application for Review of Judgement No. 333 of the United Nations Administrative Tribunal.* For judgements rendered after 31 December 1995, see footnote 3, p. 79, below.

[5] The Executive Board of Unesco requested an advisory opinion of the Court concerning *Judgments of the Administrative Tribunal of the ILO upon Complaints Made against Unesco.*

[6] The World Health Assembly requested an advisory opinion of the Court in two cases: *Interpretation of the Agreement of 25 March 1951 between the WHO and Egypt* and *Legality of the Use by a State of Nuclear Weapons in Armed Conflict.*

International Maritime Organization[1];
World Intellectual Property Organization;
United Nations Industrial Development Organization;
International Atomic Energy Agency.

In Section I of Chapter IV of the present *Yearbook* (pp. 78-84) will be found references to the instruments by virtue of which such requests may be submitted by the above organs and agencies.

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[1] The Assembly of this organization requested an advisory opinion of the Court concerning the *Constitution of the Maritime Safety Committee of the Inter-Governmental Maritime Consultative Organization*.

CHAPTER IV

TEXTS GOVERNING THE JURISDICTION OF THE COURT

The present chapter, which is compiled from the information available to the Registry, presents a compendium of instruments governing the jurisdiction of the Court. It takes into account, so far as the Registry is informed of them, any amendments to those instruments which have affected their provisions concerning the jurisdiction of the Court. The inclusion or omission of any instrument should not be regarded as an indication of any view entertained by the Registry, or *a fortiori* by the Court, regarding the nature, scope or validity of the instrument in question.

I. Instruments Governing the Relationship of Organs of the United Nations and International Organizations with the Court

This section lists provisions for the contentious or advisory jurisdiction of the Court in the following categories of instruments: constitutional texts of public international organizations; agreements concluded between the United Nations and other international organizations; authorizations accorded by the General Assembly of the United Nations to other organs of the United Nations or to international organizations by virtue of Article 96, paragraph 2, of the Charter; multilateral conventions relating to the privileges and immunities of world-wide international organizations; agreements concluded by international organizations with States.

1. United Nations

Authorization to the *General Assembly* and the *Security Council* to request advisory opinions of the International Court of Justice: Charter, Article 96, paragraph 1.

Authorization to the *Economic and Social Council* to request advisory opinions of the International Court of Justice: resolution 89 (I) of the General Assembly, 11 December 1946.

Authorization to the *Trusteeship Council* to request advisory opinions of the International Court of Justice: resolution 171 (II) of the General Assembly, 14 November 1947, paragraph B.

Authorization to the *Interim Committee of the General Assembly* to request advisory opinions of the International Court of Justice: resolution 196 (III) of the General Assembly, 3 December 1948, paragraph 3[1].

Authorization to the *Committee on Applications for Review of Judgements of the United Nations Administrative Tribunal* to request advisory opinions of the International Court of Justice: Statute of the United Nations Administrative Tribunal, as amended by resolution 957 (X) of the General Assembly, 8 November 1955, Article 11[2,3].

Convention on the privileges and immunities of the United Nations, adopted by the General Assembly on 13 February 1946, Article VIII, Section 30 (United Nations, *Treaty Series*, I, No. 4, Vol. 1).

Agreement between the United Nations and the United States of America regarding the Headquarters of the United Nations, 26 June 1947, Article VIII, Section 21 (United Nations, *Treaty Series*, I, No. 147, Vol. 11).

Agreement between Chile and the United Nations Economic Commission for Latin America regulating conditions for the operation, in Chile, of the Headquarters of the Commission, 16 February 1953, Article XI, Section 21 (United Nations, *Treaty Series*, I, No. 4541, Vol. 314).

Agreement between the United Nations and Thailand relating to the Headquarters of the Economic Commission for Asia and the Far East in Thailand, 26 May 1954, Article XIII, Section 26 (United Nations, *Treaty Series*, I, No. 3703, Vol. 260).

Agreement between the United Nations and Ethiopia regarding the Headquarters of the United Nations Economic Commission for Africa, 18 June 1958, Article IX (United Nations, *Treaty Series*, I, No. 4597, Vol. 317).

Agreement between the United Nations and Japan regarding the Headquarters of the United Nations University, 14 May 1976, Section 22 (United Nations, *Treaty Series*, I, No. 14839, Vol. 1009).

Agreement between the United Nations and Greece regarding the headquarters of the Co-ordinating Unit for the Mediterranean Action Plan, 11 February 1982, Section 26 (United Nations, *Treaty Series*, I, No. 20736, Vol. 1261).

[1] The mandate of the Interim Committee was extended indefinitely by resolution 295 (IV) of the General Assembly of 21 November 1949, paragraph 3 of which preserved its authority to request advisory opinions of the Court.

[2] Article not applicable to Judgements concerning the staff of the International Civil Aviation Organization or Inter-Governmental Maritime Consultative Organization (now International Maritime Organization), which have both, however, accepted the jurisdiction of the United Nations Administrative Tribunal.

[3] By resolution 50/54 of 11 December 1995 the General Assembly amended the statute of the Tribunal again, with respect to Judgements rendered after 31 December 1995, *inter alia* deleting Article 11; it also decided "that, with respect to judgements rendered by the Tribunal before 1 January 1996, the statute of the Tribunal shall continue to apply as if the amendments . . . had not been made".

2. All Specialized Agencies

Convention on the privileges and immunities of the specialized agencies, approved by the General Assembly of the United Nations on 21 November 1947: Article VII, Section 24, and Article IX, Section 32 (United Nations, *Treaty Series*, I, No. 521, Vol. 33).

3. International Labour Organisation

Instrument for the amendment of the Constitution of the International Labour Organisation, 9 October 1946, Articles 29, 31-34 and 37 (United Nations, *Treaty Series*, I, No. 229, Vol. 15).

Agreement between the United Nations and the International Labour Organisation, approved by the General Assembly of the United Nations on 14 December 1946, Article IX (United Nations, *Treaty Series*, II, No. 9, Vol. 1).

Statute of the Administrative Tribunal of the International Labour Organisation, adopted by the International Labour Conference on 9 October 1946 and modified by the Conference on 29 June 1949, Article XII[1].

4. Food and Agriculture Organization of the United Nations

Constitution of the Food and Agriculture Organization of the United Nations, 16 October 1945, as amended in 1957, Article XVII (Food and Agriculture Organization of the United Nations, *Basic Texts*, Vol. I, 1968).

Agreement between the United Nations and the Food and Agriculture Organization of the United Nations, approved by the General Assembly of the United Nations on 14 December 1946, Article IX (United Nations, *Treaty Series*, II, No. 10, Vol. 1).

Terms of appointment of the Director-General of the Food and Agriculture Organization of the United Nations: recommendation by the Conference of the Organization, 27 October 1945, paragraph 3 (Food and Agriculture Organization of the United Nations, *Report of the First Session of the Conference*, 16 October-1 November 1945).

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[1] The jurisdiction of this Tribunal, which is open to officials of the International Labour Organisation or other persons claiming under the terms of appointment of an official, has been recognized also by the following international organizations, which are authorized to request advisory opinions: Food and Agriculture Organization of the United Nations; United Nations Educational, Scientific and Cultural Organization; World Health Organization; International Telecommunication Union; World Meteorological Organization; World Intellectual Property Organization; International Atomic Energy Agency.

5. United Nations Educational, Scientific and Cultural Organization

Constitution of the United Nations Educational, Scientific and Cultural Organization, 16 November 1945, Articles V, paragraph 11 (adopted in 1952), and XIV, paragraph 2 (United Nations, *Treaty Series*, I, No. 52, Vol. 4)[1].

Agreement between the United Nations and the United Nations Educational, Scientific and Cultural Organization, approved by the General Assembly of the United Nations on 14 December 1946, as revised and approved by the General Assembly of the United Nations on 8 December 1962, Article X[2] (United Nations, *Treaty Series*, II, No. 11, Vol. 1; *ibid.*, General Assembly, resolution 1786 (XVII)).

Agreement between the United Nations Educational, Scientific and Cultural Organization and France regarding the Headquarters of Unesco and the privileges and immunities of the Organization on French territory, 2 July 1954, Article 29 (United Nations, *Treaty Series*, I, No. 5103, Vol. 357).

6. World Health Organization

Constitution of the World Health Organization, 22 July 1946, Articles 75-77 (United Nations, *Treaty Series*, I, No. 221, Vol. 14).

Agreement between the United Nations and the World Health Organization, approved by the General Assembly of the United Nations on 15 November 1947, Article X (United Nations, *Treaty Series*, II, No. 115, Vol. 19).

7. International Bank for Reconstruction and Development, International Finance Corporation and International Development Association

Agreement between the United Nations and the International Bank for Reconstruction and Development, approved by the General Assembly of the United Nations on 15 November 1947, Article VIII (United Nations, *Treaty Series*, II, No. 109, Vol. 16).

Agreement on relationship between the United Nations and the International Finance Corporation, approved by the General Assembly of the United Nations on 20 February 1957, paragraph 1 (United Nations, *Treaty Series*, II, No. 546, Vol. 265).

Agreement on relationship between the United Nations and the Inter-

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[1] See also Rules of Procedure of the General Conference of Unesco, Rule 33, and the Protocol of 10 December 1962 instituting a Conciliation and Good Offices Commission to be responsible for seeking the settlement of any disputes which may arise between States parties to the Convention against Discrimination in Education, Article 18 (Unesco document 12C/Resolutions).

[2] Article XI before the revision of 1962.

national Development Association, approved by the General Assembly of the United Nations on 27 March 1961, Article I (United Nations, *Treaty Series*, II, No. 582, Vol. 394).

8. International Monetary Fund

Agreement between the United Nations and the International Monetary Fund, approved by the General Assembly of the United Nations on 15 November 1947, Article VIII (United Nations, *Treaty Series*, II, No. 108, Vol. 16).

9. International Civil Aviation Organization

Convention on International Civil Aviation, 7 December 1944, Articles 84-86 (United Nations, *Treaty Series*, I, No. 10612, Vol. 740; ICAO, *Convention on International Civil Aviation*, 1969).

Agreement between the United Nations and the International Civil Aviation Organization, approved by the General Assembly of the United Nations on 14 December 1946, Article X (United Nations, *Treaty Series*, II, No. 45, Vol. 8).

Agreement between the International Civil Aviation Organization and Canada regarding the Headquarters of the Organization, 14 April 1951, Article VII, Section 31 (United Nations, *Treaty Series*, I, No. 1335, Vol. 96).

10. International Telecommunication Union

Agreement between the United Nations and the International Telecommunication Union, approved by the General Assembly of the United Nations on 15 November 1947, Article VII (United Nations, *Treaty Series*, II, No. 175, Vol. 30).

11. World Meteorological Organization

Agreement between the United Nations and the World Meteorological Organization, approved by the General Assembly of the United Nations on 20 December 1951, Article VII (United Nations, *Treaty Series*, II, No. 415, Vol. 123).

12. International Maritime Organization

Convention on the Inter-Governmental Maritime Consultative Organization, 6 March 1948, entered into force on 17 March 1958, Articles 55 and 56 (United Nations, *Treaty Series*, I, No. 4214, Vol. 289)[1].

[1] As from 22 May 1982 the Inter-Governmental Maritime Consultative Organization (IMCO) became the International Maritime Organization (IMO); the name of the organization was changed in the title of the 1948 Convention and the relevant Articles of the Convention were re-numbered 69 and 70.

Agreement between the United Nations and the Inter-Governmental Maritime Consultative Organization, approved by the General Assembly of the United Nations on 18 November 1948, entered into force on 13 January 1959, Article IX (United Nations, *Treaty Series*, II, No. 553, Vol. 324).

13. World Intellectual Property Organization

Agreement between the United Nations and the World Intellectual Property Organization, approved by the General Assembly of the United Nations on 17 December 1974, Article 12 (United Nations, *Treaty Series*, II, No. 729).

14. International Fund for Agricultural Development

Agreement between the United Nations and the International Fund for Agricultural Development, approved by the General Assembly of the United Nations on 15 December 1977, Article XIII (United Nations, *Treaty Series*, II, No. 806, Vol. 1080).

15. United Nations Industrial Development Organization

Constitution of the United Nations Industrial Development Organization, 8 April 1979, Article 22 (United Nations, *Treaty Series*, I, No. 23432, Vol. 1401).

Agreement between the United Nations Organization and the United Nations Industrial Development Organization, approved by the General Assembly of the United Nations on 17 December 1985, Article 12.

16. International Atomic Energy Agency

Statute of the International Atomic Energy Agency, 26 October 1956, Article XVII (United Nations, *Treaty Series*, I, No. 3988, Vol. 276).

Agreement concerning the relationship between the United Nations and the International Atomic Energy Agency, approved by the General Assembly of the United Nations on 14 November 1957, Article X (United Nations, *Treaty Series*, II, No. 548, Vol. 281).

Authorization to the International Atomic Energy Agency to request advisory opinions of the International Court of Justice: resolution 1146 (XII) of the General Assembly of the United Nations, 14 November 1957.

Agreement on the privileges and immunities of the International Atomic Energy Agency, approved by the Board of Governors of the Agency on 1 July 1959, Article X, Section 34 (United Nations, *Treaty Series*, I, No. 5334, Vol. 374).

Agreement between the International Atomic Energy Agency and Iraq, Lebanon, Libya, Tunisia, United Arab Republic, etc., for the establish-

ment in Cairo of a Middle Eastern regional radio-isotope centre for the Arab countries, approved by the Board of Governors of the Agency on 14 September 1962, Article XVI (United Nations, *Treaty Series*, I, No. 7236, Vol. 494).

Nordic Mutual Emergency Assistance Agreement in connection with radiation accidents, signed on 17 October 1963 by the International Atomic Energy Agency, Denmark, Finland, Norway and Sweden, Article IX (United Nations, *Treaty Series*, I, No. 7585, Vol. 525).

II. Declarations Recognizing as Compulsory the Jurisdiction of the Court

The texts of declarations under Article 36, paragraph 2, of the Statute, which had not expired by effluxion of time, or whose withdrawal or replacement had not been notified by 31 July 1997 will be found below. The fact that a declaration is or is not included in this section, is without prejudice to its possible application by the Court in a particular case.

The declaration of Paraguay was deposited with the Secretary-General of the United Nations during the 12 months under review, on 25 September 1996; it is the first such declaration made by that State.

In view of the provisions of Article 36, paragraph 5, of the Statute of the International Court of Justice, the present section also contains the texts of declarations made under the Statute of the *Permanent Court of International Justice* which have not lapsed or been withdrawn. There are now seven such declarations.

The declarations, deposited by a total of 60 States[1], are given here in English[2]. Where this is not the original language of the declaration, the translations used, except where otherwise indicated, are by the Secretariat of the United Nations or of the League of Nations.

The date shown after the name of the State is that on which the declaration was deposited.

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[1] Since 1951, twelve other declarations relating to the jurisdiction of the International Court of Justice, either expressly or by virtue of Article 36, paragraph 5, of the Statute, have expired, been withdrawn or been terminated without being subsequently replaced. These were the declarations of the following States: Bolivia, Brazil, China, El Salvador, France, Guatemala, Iran, Israel, South Africa, Thailand, Turkey and the United States (United Nations, *Treaty Series*, I, No. 261, Vol. 16; I, No. 237, Vol. 15; I, No. 5, Vol. 1; *I.C.J. Yearbook 1987-1988*, pp. 70-72; United Nations, *Treaty Series*, I, No. 8196, Vol. 562; I, No. 12, Vol. 1; *I.C.J. Yearbook 1946-1947*, p. 211; *I.C.J. Yearbook 1984-1985*, pp. 79-80; United Nations, *Treaty Series*, I, No. 2935, Vol. 216; I, No. 844, Vol. 65; I, No. 50, Vol. 4; *I.C.J. Yearbook 1984-1985*, pp. 99-100).

[2] French texts of the declarations are given in the French counterpart of the *I.C.J. Yearbook*, the *C.I.J. Annuaire*.

AUSTRALIA

17 III 75.

Whereas on the first day of November one thousand nine hundred and forty-five Australia ratified the Charter of the United Nations of which the Statute of the International Court of Justice is an integral part; and

Whereas Australia made a declaration under paragraph 2 of Article 36, of the said Statute on the sixth day of February, one thousand nine hundred and fifty-four[1]; and

Whereas Australia desires to withdraw the said declaration;

The Government of Australia hereby withdraws the said declaration and declares for and on behalf of Australia that it recognizes as compulsory *ipso facto* and without special agreement, in relation to any other State accepting the same obligation, the jurisdiction of the International Court of Justice, in conformity with paragraph 2 of Article 36 of the Statute of the Court, until such time as notice may be given to withdraw this declaration.

The Government of Australia further declares that this declaration does not apply to any dispute in regard to which the parties thereto have agreed or shall agree to have recourse to some other method of peaceful settlement.

In witness whereof, I, Edward Gough Whitlam, Prime Minister acting for and on behalf of the Minister of State for Foreign Affairs of Australia, have hereunto set my hand and affixed the seal of the Minister of State for Foreign Affairs.

Dated this thirteenth day of March, one thousand nine hundred and seventy-five.

(Signed) E. G. WHITLAM,
Prime Minister acting for and on behalf of the Minister of State for Foreign Affairs of Australia.

AUSTRIA

19 V 71.

I hereby declare that the Republic of Austria recognizes as compulsory *ipso facto* and without special agreement, in relation to any other State which accepts or has accepted the same obligation, the jurisdiction of the International Court of Justice in all legal disputes referred to in paragraph 2 of Article 36 of the Statute of the International Court of Justice.

This Declaration does not apply to any dispute in respect of which the

[1] United Nations, *Treaty Series*, I, No. 2484, Vol. 186.

parties thereto have agreed or shall agree to have recourse to other means of peaceful settlement for its final and binding decision.

This Declaration shall remain in force for a period of five years and thereafter until it will be terminated or modified by a written declaration.

Done at Vienna on 28 April 1971.

(Signed) JONAS,
The Federal President.

In witness whereof the present declaration has been countersigned by the Federal Chancellor and the Minister for Foreign Affairs and the national seal of the Republic of Austria has been affixed thereto.

(Signed) Bruno KREISKY,
The Federal Chancellor.
(Signed) Rudolf KIRCHSCHLAEGER,
The Federal Minister for Foreign Affairs.

BARBADOS

1 VIII 80.

I have the honour to declare on behalf of the Government of Barbados that:

The Government of Barbados accepts as compulsory, *ipso facto*, and without special agreement, on condition of reciprocity, the jurisdiction of the International Court of Justice in conformity with paragraph 2 of Article 36 of the Court until such time as notice might be given to terminate the acceptance, over all disputes arising after the declaration is made, other than:

(a) disputes in regard to which parties have agreed or shall agree to have recourse to some other method of peaceful settlement,
(b) disputes with the government of any other country which is a Member of the Commonwealth of Nations, all of which disputes shall be settled in such manner as the parties have agreed or shall agree,
(c) disputes with regard to questions which by international law fall exclusively within the jurisdiction of Barbados,
(d) disputes arising out of or concerning jurisdiction or rights claimed or exercised by Barbados in respect of the conservation, management or exploitation of the living resources of the sea, or in respect of the prevention or control of pollution or contamination of the marine environment in marine areas adjacent to the coast of Barbados.

24 July 1980.

(Signed) H. de B. FORDE,
Minister of External Affairs.

BELGIUM[1]

[Translation from the French] 17 VI 58.

I declare on behalf of the Belgian Government that I recognize as compulsory *ipso facto* and without special agreement, in relation to any other State accepting the same obligation, the jurisdiction of the International Court of Justice, in conformity with Article 36, paragraph 2, of the Statute of the Court, in legal disputes arising after 13 July 1948 concerning situations or facts subsequent to that date, except those in regard to which the parties have agreed or may agree to have recourse to another method of pacific settlement.

This declaration is made subject to ratification[2]. It shall take effect on the day of deposit of the instrument of ratification for a period of five years. Upon the expiry of that period, it shall continue to have effect until notice of its termination is given.

Brussels, 3 April 1958.

(Signed) V. LAROCK,
Minister
for Foreign Affairs.

BOTSWANA

16 III 70.

I, Sir Seretse Khama, President of the Republic of Botswana, have the honour to declare on behalf of the Government of the Republic of Botswana, that it recognizes as compulsory *ipso facto* and without special agreement, on condition of reciprocity, the jurisdiction of the International Court of Justice, in accordance with paragraph 2 of Article 36 of the Statute of the Court.

This Declaration does not extend:

(a) to disputes in respect of which the parties have agreed or shall agree to have recourse to another means of peaceful settlement; or

(b) to disputes relating to matters which, by international law, are essentially within the domestic jurisdiction of the Republic of Botswana.

The Government of the Republic of Botswana also reserves the right at any time, by means of a notification addressed to the Secretary-General

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[1] Belgium had deposited in 1948 a declaration valid for five years (United Nations, *Treaty Series*, I, No. 260, Vol. 16).

[2] The instrument of ratification was deposited on 17 June 1958.

of the United Nations, and with effect as from the moment of such notification, either to add to, amend or withdraw any of the foregoing reservations, or any that may hereafter be added.

Done at Gaborone this 14th day of January in the year of our Lord one thousand nine hundred and seventy.

(Signed) Seretse M. KHAMA,
President.

BULGARIA

[Translation from the Bulgarian] 24 VI 1992.

On behalf of the Government of the Republic of Bulgaria, I have the honour to declare that in conformity with Article 36, paragraph 2, of the Statute of the International Court of Justice the Republic of Bulgaria recognizes as compulsory *ipso facto* and without special agreement, in relation to any other State accepting the same obligation, the jurisdiction of the Court in all legal disputes arising out of facts and situations subsequent to or continuing to exist after the entry into force of the present Declaration, concerning:

1. the interpretation of a treaty;
2. any question of international law;
3. the existence of any fact which, if established, would constitute a breach of an international obligation;
4. the nature or extent of the reparation to be made for the breach of an international obligation,

except for disputes with any State which has accepted the compulsory jurisdiction of the International Court of Justice under Article 36, paragraph 2, of the Statute less than twelve months prior to filing an application bringing the dispute before the Court or where such acceptance has been made only for the purpose of a particular dispute.

The Republic of Bulgaria also reserves the right at any time to modify the present Declaration, the modifications taking effect six months after the deposit of the notification thereof.

The present Declaration shall be in force for a period of five years from the date of its deposit with the Secretary-General of the United Nations. It shall continue in force thereafter until six months after a notice of its denunciation is given to the Secretary-General of the United Nations.

Sofia, 26 May 1992.

(Signed) S. GANEV,
Minister of Foreign Affairs
of the Republic of Bulgaria.

CAMBODIA

[Translation from the French] 19 IX 57.

On behalf of the Royal Government of Cambodia I have the honour to declare that, in accordance with Article 36, paragraph 2, of the Statute of the International Court of Justice, I recognize as compulsory *ipso facto* and without special agreement, in relation to any other State Member of the United Nations accepting the same obligation, that is to say on condition of reciprocity, the jurisdiction of the said Court in all legal disputes, other than:

(1) disputes in regard to which the parties to the dispute have agreed or shall agree to have recourse to some other method of peaceful settlement;
(2) disputes with regard to questions which by international law fall exclusively within the jurisdiction of the Kingdom of Cambodia;
(3) disputes relating to any matter excluded from judicial settlement or compulsory arbitration by virtue of any treaty, convention or other international agreement or instrument to which the Kingdom of Cambodia is a party.

This declaration is valid for ten years from the date of its deposit. It shall remain in force thereafter until notice to the contrary has been given by the Royal Government of Cambodia.

Phnom-Penh, 9 September 1957.

(Signed) SIM VAR.

CAMEROON

[Translation from the French by the Registry] 3 III 94.

On behalf of the Government of the Republic of Cameroon, I have the honour to declare that:

The Government of the Republic of Cameroon, in accordance with Article 36, paragraph 2, of the Statute of the Court, recognizes as compulsory *ipso facto* and without special agreement, in relation to any other State accepting the same obligation, the jurisdiction of the Court in all legal disputes.

This declaration shall remain in force for a period of five years. It shall subsequently continue to produce effect until contrary notification or written amendment by the Government of the Republic of Cameroon.

(Signed) Ferdinand Léopold OYONO,
Minister for Foreign Affairs.

10 V 94.

On behalf of the Government of Canada,

(1) I give notice that I hereby terminate the acceptance by Canada of the compulsory jurisdiction of the International Court of Justice hitherto effective by virtue of the declaration made on 10 September 1985[1] in conformity with paragraph 2 of Article 36 of the Statute of the Court.

(2) I declare that the Government of Canada accepts as compulsory *ipso facto* and without special convention, on condition of reciprocity, the jurisdiction of the International Court of Justice, in conformity with paragraph 2 of Article 36 of the Statute of the Court, until such time as notice may be given to terminate the acceptance, over all disputes arising after the present declaration with regard to situations or facts subsequent to this declaration, other than:

(a) disputes in regard to which the parties have agreed or shall agree to have recourse to some other method of peaceful settlement;

(b) disputes with the Government of any other country which is a member of the Commonwealth, all of which disputes shall be settled in such manner as the parties have agreed or shall agree;

(c) disputes with regard to questions which by international law fall exclusively within the jurisdiction of Canada; and

(d) disputes arising out of or concerning conservation and management measures taken by Canada with respect to vessels fishing in the NAFO Regulatory Area, as defined in the Convention on Future Multilateral Co-operation in the Northwest Atlantic Fisheries, 1978, and the enforcement of such measures.

(3) The Government of Canada also reserves the right at any time, by means of a notification addressed to the Secretary-General of the United Nations, and with effect as from the moment of such notification, either to add to, amend or withdraw any of the foregoing reservations, or any that may hereafter be added.

It is requested that this notification be communicated to the Governments of all the States that have accepted the Optional Clause and to the Registrar of the International Court of Justice.

New York, 10 May 1994.

(Signed) Louise FRÉCHETTE,
Ambassador and
Permanent Representative.

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[1] *I.C.J. Yearbook 1992-1993*, pp. 79-80.

COLOMBIA[1]

[Translation from the French] 30 X 37.

The Republic of Colombia recognizes as compulsory, *ipso facto* and without special agreement, on condition of reciprocity, in relation to any other State accepting the same obligation, the jurisdiction of the Permanent Court of International Justice, in accordance with Article 36 of the Statute.

The present declaration applies only to disputes arising out of facts subsequent to 6 January 1932.

Geneva, 30 October 1937.

(Signed) J. M. YEPES,
Legal Adviser of the Permanent Delegation
of Colombia to the League of Nations.

COSTA RICA

[Translation from the Spanish] 20 II 73.

The Government of Costa Rica recognizes as compulsory *ipso facto* and without special agreement, in relation to any other State accepting the same obligation, the jurisdiction of the International Court of Justice in all legal disputes of the kinds referred to in Article 36, paragraph 2, of the Statute of the International Court of Justice. This Declaration shall be valid for a period of five years and shall be understood to be tacitly renewed for like periods, unless denounced before the expiration of the said period.

San José, 5 February 1973.

(Signed) Gonzalo J. FACIO,
Minister for Foreign Affairs.

CYPRUS

29 IV 88.

I have the honour on behalf of the Government of the Republic of Cyprus to declare, in conformity with paragraph 2 of Article 36 of the Statute of the International Court of Justice, that the Republic of Cyprus accepts as compulsory *ipso facto* and without special agreement, on con-

[1] An instrument of ratification was deposited on 30 October 1937. Ratification was not required under the terms of the Optional Clause, the act of signature itself sufficing to make the undertaking binding, except where the declaration has been made expressly subject to ratification. Nevertheless, certain States, which had signed without any such reservation, subsequently ratified their declarations.

dition of reciprocity, the jurisdiction of the Court, in relation to any other State accepting the same obligation, over all legal disputes concerning:

(a) the interpretation of any treaty –

I. to which the Republic of Cyprus became a Party on or after 16 August 1960 or

II. which the Republic of Cyprus recognizes as binding on it by succession;

(b) any question of international law;

(c) the existence of any fact which, if established, would constitute a breach of an international obligation;

(d) the nature or extent of the reparation to be made for the breach of an international obligation.

Provided that this declaration shall not apply:

(a) to disputes relating to questions which fall within the domestic jurisdiction of the Republic of Cyprus;

(b) where the declaration recognizing the compulsory jurisdiction of the International Court of Justice on behalf of any other Party to the dispute was deposited with the Secretary-General of the United Nations less than six months prior to the filing of the application bringing the dispute before the Court.

The Government of the Republic of Cyprus reserves the right at any time, by means of a notification addressed to the Secretary-General of the United Nations, and with effect as from the moment of such notification, either to add to, amend or withdraw this declaration or any of the foregoing reservations or any that may hereafter be added.

Nicosia, 19 April 1988.

(Signed) George IACOVOU,
Minister of Foreign Affairs.

DEMOCRATIC REPUBLIC OF THE CONGO

[Translation from the French] 8 II 89.

. . . in accordance with Article 36, paragraph 2, of the Statute of the International Court of Justice:

The Executive Council of the Republic of Zaire recognizes as compulsory *ipso facto* and without special agreement, in relation to any other State accepting the same obligation, the jurisdiction of the Court in all legal disputes concerning:

(a) the interpretation of a treaty;

(b) any question of international law;

(c) the existence of any fact which, if established, would constitute a breach of an international obligation;

(d) the nature or extent of the reparation to be made for the breach of an international obligation.

It is understood further that this declaration will remain in force until notice of its revocation is given.

(Signed) Bagbeni Adeito NZENGEYA,
Ambassador Extraordinary and Plenipotentiary,
Permanent Representative of Zaire
to the United Nations.

DENMARK[1]

[Translation from the French] 10 XII 56.

In conformity with the Royal Decree of 3 December 1956, I have the honour, on behalf of the Danish Government, to make the following declaration:

Pursuant to Article 36, paragraph 2, of the Statute of the International Court of Justice, the Kingdom of Denmark recognizes as compulsory *ipso facto* and without special agreement the jurisdiction of the Court in relation to any other State accepting the same obligation, that is to say on condition of reciprocity, for a period of five years from 10 December 1956 and thereafter for further periods of five years, if this declaration is not denounced by notice of not less than six months before the expiration of any five-year period.

New York, 10 December 1956.

(Signed) Karl I. ESKELUND,
Ambassador Extraordinary and Plenipotentiary,
Permanent Representative
to the United Nations.

DOMINICAN REPUBLIC

[Translation from the French] 30 IX 24.

On behalf of the Government of the Dominican Republic and subject to ratification[2], I recognize, in relation to any other Member or State accepting the same obligation, that is to say, on the sole condition of reciprocity, the jurisdiction of the Court as compulsory, *ipso facto* and without special convention.

Geneva, 30 September 1924.

(Signed) Jacinto R. DE CASTRO.

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[1] This declaration replaced that of 10 December 1946, which had been made for a period of ten years as from that date (United Nations, *Treaty Series*, I, No. 10, Vol. 1).

[2] The instrument of ratification was deposited on 4 February 1933.

EGYPT

22 VII 57.

I, Mahmoud Fawzi, Minister for Foreign Affairs of the Republic of Egypt, declare on behalf of the Government of the Republic of Egypt, that, in accordance with Article 36 (2) of the Statute of the International Court of Justice and in pursuance and for the purposes of paragraph 9 *(b)* of the Declaration of the Government of the Republic of Egypt dated 24 April 1957, on "the Suez Canal and the arrangements for its operation"[1], the Government of the Republic of Egypt accept as compulsory *ipso facto*, on condition of reciprocity and without special agreement, the jurisdiction of the International Court of Justice in all legal disputes that may arise under the said paragraph 9 *(b)* of the above Declaration dated 24 April 1957, with effect as from that date.

18 July 1957.

(Signed) Mahmoud FAWZI.

ESTONIA

21 X 91.

I, Arnold Rüütel, Chairman of the Supreme Council of the Republic of Estonia, declare on behalf of the Republic of Estonia and in accordance with the Resolution of September 26, 1991 of the Supreme Council of the Republic of Estonia, that the Republic of Estonia recognizes as compulsory *ipso facto* and without special agreement, in relation to any other State accepting the same obligation, on condition of reciprocity, the jurisdiction of the International Court of Justice, in conformity with paragraph 2 of Article 36 of the Statute of the Court,

provided that this declaration shall not apply to disputes, the solution of which the parties shall entrust to other tribunals by virtue of agreements already in existence or which may be concluded in the future.

Tallinn, 10 October 1991.

(Signed) A. RÜÜTEL,
Chairman of the Supreme Council.

FINLAND

[Translation from the French] 25 VI 58.

On behalf of the Finnish Government, I hereby declare that I recognize as compulsory *ipso facto* and without special agreement, in relation to any other State accepting the same obligation, that is to say, on condition of reciprocity, the jurisdiction of the International Court of Justice, in accor-

[1] United Nations, *Treaty Series*, I, No. 3821, Vol. 265.

dance with Article 36, paragraph 2, of the Statute of the Court, for a period of five years from 25 June 1958. This declaration shall be renewed by tacit agreement for further periods of the same duration, unless it is denounced not later than six months before the expiry of any such period. This declaration shall apply only to disputes arising in regard to situations or facts subsequent to 25 June 1958.

New York, 25 June 1958.

(Signed) G. A. GRIPENBERG,
Permanent Representative of Finland
to the United Nations.

GAMBIA

22 VI 66.

In accordance with Article 36, paragraph 2, of the Statute of the International Court of Justice, I declare, on behalf of the Government of the Gambia, that the Gambia recognizes as compulsory *ipso facto* and without special agreement, in relation to any other State accepting the same obligation, the jurisdiction of the International Court of Justice until such time as notice may be given to terminate the acceptance, over all disputes arising in the future concerning:

(a) the interpretation of a treaty;
(b) any question of international law;
(c) the existence of any fact which, if established, would constitute a breach of an international obligation;
(d) the nature or extent of the reparation to be made for the breach of an international obligation;

with the reservation, however, that this declaration does not apply to

(a) disputes in regard to which the parties have agreed to a settlement other than by recourse to the International Court of Justice;
(b) disputes with any country in the Commonwealth;
(c) disputes which, by international law, fall exclusively within the jurisdiction of the Gambia.

Bathurst, 14 June 1966.

(Signed) A. B. N'JIE,
Minister of State for External Affairs.

GEORGIA

20 VI 95.

I have the honour on behalf of the Republic of Georgia to declare that, in accordance with paragraph 2 of Article 36 of the Statute of the International Court of Justice, the Republic of Georgia recognizes as

compulsory *ipso facto* and without special agreement, in relation to any other State accepting the same obligation, the jurisdiction of the Court in all legal disputes referred to in paragraph 2 of Article 36 of the Statute of the International Court of Justice.

Tbilisi, 16 June 1995.

(Signed) Alexander CHIKVAIDZE,
Minister of Foreign Affairs
of the Republic of Georgia.

GREECE

[Translation from the French] 10 I 94.

I declare, on behalf of the Greek Government, that I recognize as compulsory *ipso facto* and without special agreement, on condition of reciprocity, in relation to any other State accepting the same obligation, the jurisdiction of the International Court of Justice in all legal disputes referred to in Article 36, paragraph 2, of the Statute of the Court. However, the Greek Government excludes from the competence of the Court any dispute relating to defensive military action taken by the Hellenic Republic for reasons of national defence.

This declaration shall remain in force for a period of five years. Upon the expiry of that period, it shall continue to have effect until notice of its termination is given.

Athens, 20 December 1993.

(Signed) Karolos PAPOULIAS,
Minister for Foreign Affairs.

GUINEA-BISSAU

[Translation from the French] 7 VIII 89.

In accordance with Article 36, paragraph 2, of the Statute of the International Court of Justice, the Republic of Guinea-Bissau accepts as compulsory *ipso facto* and without special agreement, in relation to any other State accepting the same obligation, the jurisdiction of the Court in all legal disputes referred to in Article 36, paragraph 2, of the Statute thereof.

This declaration will remain in force until six months following the date on which the Government of Guinea-Bissau makes known its intention of terminating it.

New York, 7 August 1989.

(Signed) Raul A. DE MELO CABRAL,
Chargé d'affaires a.i.

HAITI

[Translation from the French] 4 X 21.

On behalf of the Republic of Haiti, I recognize the jurisdiction of the Permanent Court of International Justice as compulsory.

(Signed) F. ADDOR,
Consul.

HONDURAS

[Translation from the Spanish] 6 VI 86.

The Government of the Republic of Honduras, duly authorized by the National Congress under Decree No. 75-86 of 21 May 1986 to modify the Declaration made on 20 February 1960 concerning Article 36, paragraph 2, of the Statute of the International Court of Justice, *hereby declares* that it modifies the Declaration made by it on 20 February 1960[1] as follows:

1. It recognizes as compulsory *ipso facto* and without special agreement, in relation to any other State accepting the same obligation, the jurisdiction of the International Court of Justice in all legal disputes concerning:

   (a) the interpretation of a treaty;
   (b) any question of international law;
   (c) the existence of any fact which, if established, would constitute a breach of an international obligation;
   (d) the nature or extent of the reparation to be made for the breach of an international obligation.

2. This Declaration shall not apply, however, to the following disputes to which the Republic of Honduras may be a party:

   (a) disputes in respect of which the parties have agreed or may agree to resort to other means for the pacific settlement of disputes;
   (b) disputes concerning matters subject to the domestic jurisdiction of the Republic of Honduras under international law;
   (c) disputes relating to facts or situations originating in armed conflicts or acts of a similar nature which may affect the territory of the Republic of Honduras, and in which it may find itself involved directly or indirectly;
   (d) disputes referring to:

      (i) territorial questions with regard to sovereignty over islands, shoals and keys; internal waters, bays, the territorial sea and the legal status and limits thereof;

[1] *I.C.J. Yearbook 1984-1985*, pp. 78-79.

(ii) all rights of sovereignty or jurisdiction concerning the legal status and limits of the contiguous zone, the exclusive economic zone and the continental shelf;

(iii) the airspace over the territories, waters and zones referred to in this subparagraph.

3. The Government of Honduras also reserves the right at any time to supplement, modify or withdraw this Declaration or the reservations contained therein by giving notice to the Secretary-General of the United Nations.

4. This Declaration replaces the Declaration made by the Government of Honduras on 20 February 1960.

National Palace, Tegucigalpa, D.C., 22 May 1986.

(Signed) José AZCONA H.,
President of the Republic.

(Signed) Carlos LÓPEZ CONTRERAS,
The Secretary of State for Foreign Affairs.

HUNGARY

22 X 92.

The Republic of Hungary hereby recognizes as compulsory *ipso facto* and without special agreement, on condition of reciprocity, the jurisdiction of the International Court of Justice, in accordance with Article 36, paragraph 2, of the Statute of the Court in all disputes which may arise in respect of facts or situations subsequent to this declaration, other than:

(a) disputes in regard to which the parties to the dispute have agreed or shall agree to have recourse to some other method of peaceful settlement;

(b) disputes in regard to matters which by international law fall exclusively within the domestic jurisdiction of the Republic of Hungary;

(c) disputes relating to, or connected with, facts or situations of hostilities, war, armed conflicts, individual or collective actions taken in self-defence or the discharge of any functions pursuant to any resolution or recommendation of the United Nations, and other similar or related acts, measures or situations in which the Republic of Hungary is, has been or may in the future be involved;

(d) disputes in respect of which any other party to the dispute has accepted the compulsory jurisdiction of the Court only in relation to or for the purpose of such dispute; or where the acceptance of the Court's compulsory jurisdiction on behalf of any other party to the dispute was deposited less than twelve months prior to the filing of the application bringing the dispute before the Court.

The Government of the Republic of Hungary reserves the right at any time, by means of a notification addressed to the Secretary-General of the United Nations, and with effect of six months of such notification to amend, add to or withdraw any of the foregoing reservations or any that may hereafter be added.

This declaration shall remain in force until the expiration of six months after notification has been given of its termination.

Budapest, 7 October 1992.

(Signed) Dr. GÉZA JESZENSZKY,
Minister for Foreign Affairs
of the Republic of Hungary.

INDIA

18 IX 74.

I have the honour to declare, on behalf of the Government of the Republic of India, that they accept, in conformity with paragraph 2 of Article 36 of the Statute of the Court, until such time as notice may be given to terminate such acceptance, as compulsory *ipso facto* and without special agreement, and on the basis and condition of reciprocity, the jurisdiction of the International Court of Justice over all disputes other than:

(1) disputes in regard to which the parties to the dispute have agreed or shall agree to have recourse to some other method or methods of settlement;
(2) disputes with the government of any State which is or has been a Member of the Commonwealth of Nations;
(3) disputes in regard to matters which are essentially within the domestic jurisdiction of the Republic of India;
(4) disputes relating to or connected with facts or situations of hostilities, armed conflicts, individual or collective actions taken in self-defence, resistance to aggression, fulfilment of obligations imposed by international bodies, and other similar or related acts, measures or situations in which India is, has been or may in future be involved;
(5) disputes with regard to which any other party to a dispute has accepted the compulsory jurisdiction of the International Court of Justice exclusively for or in relation to the purposes of such dispute; or where the acceptance of the Court's compulsory jurisdiction on behalf of a party to the dispute was deposited or ratified less than 12 months prior to the filing of the application bringing the dispute before the Court;

(6) disputes where the jurisdiction of the Court is or may be founded on the basis of a treaty concluded under the auspices of the League of Nations, unless the Government of India specially agree to jurisdiction in each case;

(7) disputes concerning the interpretation or application of a multilateral treaty unless all the parties to the treaty are also parties to the case before the Court or Government of India specially agree to jurisdiction;

(8) disputes with the government of any State with which, on the date of an application to bring a dispute before the Court, the Government of India has no diplomatic relations or which has not been recognized by the Government of India;

(9) disputes with non-sovereign States or territories;

(10) disputes with India concerning or relating to:

(a) the status of its territory or the modification or delimitation of its frontiers or any other matter concerning boundaries;

(b) the territorial sea, the continental shelf and the margins, the exclusive fishery zone, the exclusive economic zone, and other zones of national maritime jurisdiction including for the regulation and control of marine pollution and the conduct of scientific research by foreign vessels;

(c) the condition and status of its islands, bays and gulfs and that of the bays and gulfs that for historical reasons belong to it;

(d) the airspace superjacent to its land and maritime territory; and

(e) the determination and delimitation of its maritime boundaries.

(11) disputes prior to the date of this declaration, including any dispute the foundations, reasons, facts, causes, origins, definitions, allegations or bases of which existed prior to this date, even if they are submitted or brought to the knowledge of the Court hereafter.

2. This declaration revokes and replaces the previous declaration made by the Government of India on 14 September 1959[1].

New Delhi, 15 September 1974.

(Signed) Swaran SINGH,
Minister for External Affairs.

JAPAN

15 IX 58.

I have the honour, by direction of the Minister for Foreign Affairs, to declare on behalf of the Government of Japan, that in conformity with paragraph 2 of Article 36 of the Statute of the International Court of

[1] United Nations, *Treaty Series*, I, No. 4871, Vol. 340.

Justice, Japan recognizes as compulsory *ipso facto* and without special agreement, in relation to any other State accepting the same obligation and on condition of reciprocity, the jurisdiction of the International Court of Justice, over all disputes which arise on and after the date of the present declaration with regard to situations or facts subsequent to the same date and which are not settled by other means of peaceful settlement.

This declaration does not apply to disputes which the parties thereto have agreed or shall agree to refer for final and binding decision to arbitration or judicial settlement.

This declaration shall remain in force for a period of five years and thereafter until it may be terminated by a written notice.

New York, 15 September 1958.

(Signed) Koto MATSUDAIRA,
Permanent Representative of Japan
to the United Nations.

KENYA

19 IV 65.

I have the honour to declare, on behalf of the Government of the Republic of Kenya that it accepts, in conformity with paragraph 2 of Article 36 of the Statute of the International Court of Justice until such time as notice may be given to terminate such acceptance, as compulsory *ipso facto* and without special agreement, and on the basis and condition of reciprocity, the jurisdiction over all disputes arising after 12 December 1963 with regard to situations or facts subsequent to that date, other than:

(1) disputes in regard to which the parties to the dispute have agreed or shall agree to have recourse to some other method or methods of settlement;
(2) dispute with the government of any State which, on the date of this Declaration is a Member of the Commonwealth of Nations or may so become subsequently;
(3) disputes with regard to questions which by general rules of international law fall exclusively within the jurisdiction of Kenya;
(4) disputes concerning any question relating to or arising out of belligerent or military occupation or the discharge of any functions pursuant to any recommendation or decision of an organ of the United Nations, in accordance with which the Government of the Republic of Kenya have accepted obligations.

The Government of the Republic of Kenya reserves the right at any time by means of a notification addressed to the Secretary-General of the

United Nations to add to, amend, or withdraw any of the foregoing reservations. Such notifications shall be effective on the date of their receipt by the Secretary-General of the United Nations.

Nairobi, 12 April 1965.

(Signed) Joseph MURUMBI,
Minister for External Affairs.

LIBERIA

20 III 52.

On behalf of the Government of the Republic of Liberia, I, Gabriel L. Dennis, Secretary of State of Liberia, subject to ratification, declare that the Republic of Liberia recognizes as compulsory *ipso facto* and without special agreement, in relation to any other State, also a party to the Statute pursuant to Article 93 of the United Nations Charter, which accepts the same obligation (i.e., subject to reciprocity), the jurisdiction of the International Court of Justice in all legal disputes arising after ratification concerning:

(a) the interpretation of a treaty;
(b) any question of international law;
(c) the existence of any fact which, if established, would constitute a breach of an international obligation;
(d) the nature or extent of the reparation to be made for the breach of an international obligation.

This declaration does not apply:

(a) to any dispute which the Republic of Liberia considers essentially within its domestic jurisdiction;
(b) to any dispute in regard to which the parties have agreed or may agree to bring before other tribunals as a result of agreements already existing or which may be made in the future.

The present declaration has been made for a period of five years as from the date of deposit of the ratification[1] and thereafter until notice of termination is given.

Done at Monrovia this 3rd day of March 1952.

(Signed) Gabriel L. DENNIS,
Secretary of State.

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[1] The instrument of ratification, dated 30 March 1953, was deposited on 17 April 1953.

LIECHTENSTEIN

[Translation from the French] 29 III 50.

The Government of the Principality of Liechtenstein, duly authorized by His Serene Highness, the Reigning Prince François Joseph II, in accordance with the Order of the Diet of the Principality of Liechtenstein dated 9 March 1950, which came into force on 10 March 1950,

declares by these presents that the Principality of Liechtenstein recognizes as compulsory *ipso facto* and without special agreement, in relation to any other State accepting the same obligation, the jurisdiction of the International Court of Justice in all legal disputes concerning:

(a) the interpretation of a treaty;
(b) any question of international law;
(c) the existence of any fact which, if established, would constitute a breach of an international obligation;
(d) the nature or extent of the reparation to be made for the breach of an international obligation.

The present declaration, which is made under Article 36 of the Statute of the International Court of Justice, shall take effect from the date on which the Principality becomes a party to the Statute[1] and shall have effect as long as the declaration has not been revoked subject to one year's notice.

Done at Vaduz, 10 March 1950.

On behalf of the Government of
the Principality of Liechtenstein,
(Signed) A. FRICK,
The Head of Government.

LUXEMBOURG[2]

[Translation from the French] 15 IX 30.

The Government of the Grand-Duchy of Luxembourg recognizes as compulsory, *ipso facto* and without special agreement, in relation to any other State accepting the same obligation, that is to say on condition of reciprocity, the jurisdiction of the Court in conformity with Article 36, paragraph 2, of the Statute, in any disputes arising after the signature of

[1] Liechtenstein became a party to the Statute of the Court on 29 March 1950.
[2] The Government of Luxembourg had in 1921 signed the Optional Clause subject to ratification. That declaration was, however, never ratified.

the present declaration with regard to situations or facts subsequent to this signature, except in cases where the parties have agreed or shall agree to have recourse to another procedure or to another method of pacific settlement. The present declaration is made for a period of five years. Unless it is denounced six months before the expiration of that period, it shall be considered as renewed for a further period of five years and similarly thereafter.

Geneva, 15 September 1930.

(Signed) BECH.

MADAGASCAR

[Translation from the French] 2 VII 92.

On behalf of the Government of Madagascar, I declare under Article 36, paragraph 2, of the Statute of the International Court of Justice that Madagascar accepts as compulsory *ipso facto* and without special agreement, in relation to any other State accepting the same obligation and until such time as notice may be given to terminate this acceptance, the compulsory jurisdiction of the Court in all legal disputes concerning:

- the interpretation of a treaty;
- any question of international law;
- the existence of any fact which, if established, would constitute a breach of an international obligation;
- the nature or extent of the reparation to be made for the breach of an international obligation.

The present declaration does not apply:

- to disputes in regard to which the parties have agreed to have recourse to some other method of settlement;
- disputes relating to questions which, under international law, fall exclusively within the jurisdiction of Madagascar.

The Government of Madagascar also reserves the right to add to, amend or withdraw the foregoing reservations by means of a notification addressed to the Secretary-General of the United Nations, which would take effect on the date of its receipt by the Secretary-General.

Antananarivo, 12 May 1992.

(Signed) Césaire RABENORO,
Minister for Foreign Affairs.

MALAWI

12 XII 66.

On behalf of the Government of Malawi, I declare under Article 36, paragraph 2, of the Statute of the International Court of Justice that I recognize as compulsory *ipso facto* and without special agreement, in relation to any other State accepting the same obligation, on condition of reciprocity, the jurisdiction of the International Court of Justice in all legal disputes which may arise in respect of facts or situations subsequent to this declaration concerning –

(a) the interpretation of a treaty;
(b) any question of international law;
(c) the existence of any fact which, if established, would constitute a breach of an international obligation;
(d) the nature or extent of the reparation to be made for the breach of an international obligation:

Provided that this declaration shall not apply to –

(i) disputes with regard to matters which are essentially within the domestic jurisdiction of the Republic of Malawi as determined by the Government of Malawi;
(ii) disputes in regard to which the parties of the dispute have agreed or shall agree to have recourse to some other method of peaceful settlement; or
(iii) disputes concerning any question relating to or arising out of belligerent or military occupation.

The Government of Malawi also reserves the right at any time, by means of a notification addressed to the Secretary-General of the United Nations, to add to, amend, or withdraw any of the foregoing reservations or any that may hereafter be added. Such notifications shall be effective on the date of their receipt by the Secretary-General of the United Nations.

Given under my hand in Zomba this 22nd day of November 1966.

(Signed) H. KAMUZU BANDA,
President and
Minister for External Affairs.

MALTA[1]

6 XII 66.

I have the honour to declare, on behalf of the Government of Malta, that Malta accepts as compulsory *ipso facto* and without special conven-

[1] By letter of 13 May 1983 to the Secretary-General of the United Nations, the Minister for Foreign Affairs notified the withdrawal, with immediate effect, of a declaration concerning a particular category of disputes which was filed on 23 January 1981 and which is reproduced in *I.C.J. Yearbook 1981-1982*, p. 78.

tion, on condition of reciprocity, the jurisdiction of the International Court of Justice, in conformity with paragraph 2 of Article 36 of the Statute of the Court, until such time as notice may be given to terminate the acceptance, over all disputes other than:

(i) disputes in regard to which the Parties to the dispute have agreed or shall agree to have recourse to some other method of peaceful settlement;

(ii) disputes with the government of any other country which is a Member of the British Commonwealth of Nations, all of which disputes shall be settled in such manner as the Parties have agreed or shall agree;

(iii) disputes with regard to questions which by international law fall exclusively within the jurisdiction of Malta;

(iv) disputes concerning any question relating to or arising out of belligerent or military occupation or the discharge of any functions pursuant to any recommendation or decision of an organ of the United Nations, in accordance with which the Government of Malta have accepted obligations;

(v) disputes arising under a multilateral treaty, unless (1) all Parties to the treaty affected by the decision are also Parties to the case before the Court, or (2) the Government of Malta specially agrees to jurisdiction;

(vi) disputes relating to any matter excluded from compulsory adjudication or arbitration under any treaty, convention or other international agreement or instrument to which Malta is a Party;

(vii) disputes in respect of which arbitral or judicial proceedings are taking, or have taken place with any State which, at the date of the commencement of the proceedings, had not itself accepted the compulsory jurisdiction of the International Court of Justice; and

(viii) disputes in respect of which any other Party to the dispute has accepted the compulsory jurisdiction of the International Court of Justice only in relation to or for the purposes of the dispute; or where the acceptance of the Court's compulsory jurisdiction on behalf of any other Party to the dispute was deposited or ratified less than twelve months prior to the filing of the application bringing the dispute before the Court.

The Government of Malta also reserves the right at any time, by means of a notification addressed to the Secretary-General of the United Nations, and with effect as from the moment of such notification either to add to, amend or withdraw any of the foregoing reservations or any that may hereafter be added.

Valletta, 29 November 1966.

(Signed) G. FELICE,
Acting Minister of Commonwealth
and Foreign Affairs.

2 IX 83.

I have the honour to refer to the declaration made by the Government of Malta on 29 November 1966, and notified on 6 December 1966, concerning the compulsory jurisdiction of the International Court of Justice and to give notice that, with effect from the moment this notification is received by Your Excellency, the acceptance of the Government of Malta of the jurisdiction of the Court shall be limited to all disputes with Malta other than

(1) the disputes mentioned in paragraphs (i) to (viii) both inclusive, of the said declaration, and
(2) the following categories of disputes, that is to say:

Disputes with Malta concerning or relating to:

(a) its territory, including the territorial sea, and the status thereof,
(b) the continental shelf or any other zone of maritime jurisdiction, and the resources thereof,
(c) the determination or delimitation of any of the above,
(d) the prevention or control of pollution or contamination of the marine environment in marine areas adjacent to the coast of Malta.

The Government of Malta also reserves the right at any time, by means of a notification addressed to the Secretary-General of the United Nations, and with effect from the moment of such notification, either to add to, amend or withdraw any of the foregoing reservations or any that may hereafter be added.

(Signed) Alex Sceberas Trigon,
Minister for Foreign Affairs.

MAURITIUS

23 IX 68.

I have the honour to declare, on behalf of the Government of Mauritius, that Mauritius accepts as compulsory *ipso facto* and without special convention, on condition of reciprocity, the jurisdiction of the International Court of Justice, in conformity with paragraph 2 of Article 36 of the Statute of the Court, until such time as notice may be given to terminate the acceptance, over all disputes other than:

(i) disputes in regard to which the Parties to the dispute have agreed or shall agree to have recourse to some other method of peaceful settlement;
(ii) disputes with the Government of any other country which is a Member of the British Commonwealth of Nations, all of which disputes shall be settled in such manner as the parties have agreed or shall agree;

(iii) disputes with regard to questions which by international law fall exclusively within the jurisdiction of Mauritius;

(iv) disputes concerning any question relating to or arising out of belligerent or military occupation or the discharge of any functions pursuant to any recommendation or decision of an organ of the United Nations, in accordance with which the Government of Mauritius has accepted obligations;

(v) disputes relating to any matter excluded from compulsory adjudication or arbitration under any treaty, convention or other international agreement or instrument to which Mauritius is a party;

(vi) disputes in respect of which arbitral or judicial proceedings are taking, or have taken place with any State which, at the date of the commencement of the proceedings, had not itself accepted the compulsory jurisdiction of the International Court of Justice; and

(vii) disputes in respect of which any other Party to the dispute has accepted the compulsory jurisdiction of the International Court of Justice only in relation to or for the purposes of the dispute; or where the acceptance of the Court's compulsory jurisdiction on behalf of any other Party to the dispute was deposited or ratified less than twelve months prior to the filing of the application bringing the dispute before the Court.

The Government of Mauritius also reserves the right at any time, by means of a notification addressed to the Secretary-General of the United Nations, and with effect as from the moment of such notification either to add to, amend or withdraw any of the foregoing reservations or any that may hereafter be added.

Port Louis, 4 September 1968.

(Signed) S. RAMGOOLAM,
Prime Minister and
Minister for External Affairs.

MEXICO

[Translation from the Spanish] 28 X 47.

In regard to any legal dispute that may in future arise between the United States of Mexico and any other State out of events subsequent to the date of this Declaration, the Mexican Government recognizes as compulsory *ipso facto*, and without any special agreement being required therefor, the jurisdiction of the International Court of Justice in accordance with Article 36, paragraph 2, of the Statute of the said Court, in relation to any other State accepting the same obligation, that is, on condition of strict reciprocity. This Declaration, which does not apply to disputes arising from matters that, in the opinion of the Mexican

Government, are within the domestic jurisdiction of the United States of Mexico, shall be binding for a period of five years as from 1 March 1947 and after that date shall continue in force until six months after the Mexican Government gives notice of denunciation.

Mexico, D.F., 23 October 1947.

(Signed) Jaime TORRES BODET,
Secretary of State for External Relations.

NAURU

9 IX 92.

On behalf of the Government of the Republic of Nauru, I have the honour to refer to the Republic's Declaration dated 30 December 1987[1], deposited with the United Nations Secretary-General on 29 January 1988, whereby the Republic has accepted as compulsory, *ipso facto* and without special agreement, in relation to any other State accepting the same obligation, the jurisdiction of the International Court of Justice, in accordance with Article 36, paragraph 2, of the Statute of the Court, and stipulated that the acceptance of the Court's jurisdiction shall extend to all disputes to which the Republic is or may be a party, other than any dispute with respect to which there exists a dispute settlement mechanism under an agreement between the Republic of Nauru and another State.

I have the further honour to declare that the aforesaid Declaration shall stand renewed and extended on 29 January 1993 and continue to be in force for a further period of five years from that date.

In witness whereof, I set my hand and the Common Seal of the Republic of Nauru, this fourth day of the month of September one thousand nine hundred and ninety-two.

(Signed) Hammer DEROBURT,
President
and Minister for External Affairs,
Republic of Nauru.

NETHERLANDS

[Translation from the French] 1 VIII 56.

I hereby declare that the Government of the Kingdom of the Netherlands recognizes, in accordance with Article 36, paragraph 2, of the Statute of the International Court of Justice, with effect from 6 August 1956, as compulsory *ipso facto* and without special agreement, in relation

[1] *I.C.J. Yearbook 1987-1988*, p. 84.

to any other State accepting the same obligation, that is on condition of reciprocity, the jurisdiction of said Court in all disputes arising or which may arise after 5 August 1921, with the exception of disputes in respect of which the parties, excluding the jurisdiction of the International Court of Justice, may have agreed to have recourse to some other method of pacific settlement.

The aforesaid obligation is accepted for a period of five years and will be renewed by tacit agreement for additional periods of five years, unless notice is given, not less than six months before the expiry of any such period, that the Government of the Kingdom of the Netherlands does not wish to renew it.

The acceptance of the jurisdiction of the Court founded on the declaration of 5 August 1946[1] is terminated with effect from 6 August 1956.

New York, 1 August 1956.

(Signed) E. L. C. SCHIFF,
Acting Permanent Representative of the
Kingdom of the Netherlands to the United Nations.

NEW ZEALAND

22 IX 77.

I have the honour, by direction of the Minister of Foreign Affairs of New Zealand, to declare on behalf of the Government of New Zealand:

(I) The acceptance by the Government of New Zealand of the compulsory jurisdiction of the International Court of Justice by virtue of the Declaration made on 1 April 1940[2] under Article 36 of the Statute of the Permanent Court of International Justice and made applicable to the International Court of Justice by paragraph 5 of Article 36 of the Statute of that Court, is hereby terminated.

(II) The Government of New Zealand accept as compulsory, *ipso facto*, and without special agreement, on condition of reciprocity, the jurisdiction of the International Court of Justice in conformity with paragraph 2 of Article 36 of the Court over all disputes other than:

(1) disputes in regard to which the parties have agreed or shall agree to have recourse to some other method of peaceful settlement;

(2) disputes in respect of which any other party to the dispute has accepted the compulsory jurisdiction of the International Court of Justice only in relation to or for the purpose of the dispute: or

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[1] United Nations, *Treaty Series*, I, No. 2, Vol. 1.
[2] *I.C.J. Yearbook 1976-1977*, pp. 69 f.

where the acceptance of the Court's compulsory jurisdiction on behalf of any other party to the dispute was deposited or ratified less than twelve months prior to the filing of the application bringing the dispute before the Court;

(3) disputes arising out of, or concerning, the jurisdiction or rights claimed or exercised by New Zealand in respect of the exploration, exploitation, conservation or management of the living resources in marine areas beyond and adjacent to the territorial sea of New Zealand but within 200 nautical miles from the baselines from which the breadth of the territorial sea is measured.

This Declaration shall remain in force for a period of five years from 22 September 1977 and thereafter until the expiration of six months after notice has been given of the termination of this Declaration provided that the Government of New Zealand reserves the right at any time to amend this Declaration in the light of the results of the Third United Nations Conference on the Law of the Sea in respect of the settlement of disputes.

New York, 22 September 1977.

(Signed) M. J. C. TEMPLETON,
Permanent Representative of
New Zealand to the United Nations.

NICARAGUA[1]

[Translation from the French] 24 IX 29.

On behalf of the Republic of Nicaragua I recognize as compulsory unconditionally the jurisdiction of the Permanent Court of International Justice.

Geneva, 24 September 1929.

(Signed) T. F. MEDINA.

NIGERIA

3 IX 65.

Whereas under Article 93 of the United Nations Charter all Member States are *ipso facto* parties to the Statute of the International Court of Justice;

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[1] See the Court's Judgment of 26 November 1984 (*I.C.J. Reports 1984*, p. 392).

And whereas the Government of the Federal Republic of Nigeria has decided to accept the compulsory jurisdiction of the International Court of Justice and it is necessary to make a declaration in terms of Article 36 (2) of the Statute of the Court;

Now therefore, I, Nuhu Bamali, Minister of State for External Affairs, hereby declare that the Government of the Federal Republic of Nigeria recognizes as compulsory *ipso facto* and without special agreement, in relation to any other State accepting the same obligation, that is to say, on the sole condition of reciprocity, the jurisdiction of the International Court of Justice in conformity with Article 36, paragraph 2, of the Statute of the Court.

Done at Lagos, this 14th day of August, one thousand nine hundred and sixty-five.

(Signed) Nuhu BAMALI,
Minister of State
for External Affairs.

NORWAY[1]

25 VI 96.

I hereby declare on behalf of the Royal Norwegian Government that Norway recognizes as compulsory *ipso facto* and without special agreement, in relation to any other State accepting the same obligation, that is on condition of reciprocity, the jurisdiction of the International Court of Justice in conformity with Article 36, paragraph 2, of the Statute of the Court, for a period of five years as from 3 October 1976. This declaration shall thereafter be tacitly renewed for additional periods of five years, unless notice of termination is given not less than six months before the expiration of the current period; provided, however, that the limitations and exceptions relating to the settlement of disputes pursuant to the provisions of, and the Norwegian declarations applicable at any given time to, the United Nations Convention on the Law of the Sea of 10 December 1982 and the Agreement of 4 December 1995 for the Implementation of the Provisions of the United Nations Convention on

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[1] This is the text of the declaration as amended by letter of 24 June 1996 received by the Secretary-General of the United Nations on the following day. The first paragraph of that letter read as follows:

"On behalf of the Government of Norway,

I give notice that I hereby amend the acceptance by Norway of the compulsory jurisdiction of the International Court of Justice hitherto effective by virtue of the declaration made on 2 April 1976 in conformity with paragraph 2 of Article 36 of the Statute of the Court. As amended, the declaration shall read . . ."

The declaration of 1976 replaced that of 17 December 1956 (United Nations, *Treaty Series*, I, No. 3642, Vol. 256).

the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks, shall apply to all disputes concerning the law of the sea.

New York, 24 June 1996.

(Signed) Hans Jacob Biørn LIAN,
Permanent Representative of
Norway to the United Nations.

PAKISTAN[1]

13 IX 60.

I have the honour, by direction of the President of Pakistan, to make the following declaration on behalf of the Government of Pakistan under Article 36, paragraph 2, of the Statute of the International Court of Justice:

The Government of Pakistan recognize as compulsory *ipso facto* and without special agreement in relation to any other State accepting the same obligation, the jurisdiction of the International Court of Justice in all legal disputes after 24 June 1948, arising, concerning:

(a) the interpretation of a treaty;
(b) any question of international law;
(c) the existence of any fact which, if established, would constitute a breach of an international obligation;
(d) the nature or extent of the reparation to be made for the breach of an international obligation;

Provided, that the declaration shall not apply to:

(a) disputes the solution of which the parties shall entrust to other tribunals by virtue of agreements already in existence or which may be concluded in the future; or
(b) disputes relating to questions which by international law fall exclusively within the domestic jurisdiction of Pakistan;
(c) disputes arising under a multilateral treaty unless

(i) all parties to the treaty affected by the decision are also parties to the case before the Court, or
(ii) the Government of Pakistan specially agree to jurisdiction; and

[1] This declaration replaced that of 23 May 1957 (United Nations, *Treaty Series*, I, No. 3875, Vol. 269) notice of the withdrawal and termination of which was given by letter of 12 September 1960 received on the following day by the Secretary-General of the United Nations.

provided further, that this Declaration shall remain in force till such time as notice may be given to terminate it.

New York, 12 September 1960.

(Signed) Said HASAN,
Ambassador Extraordinary and Plenipotentiary,
Permanent Representative of Pakistan to the
United Nations.

PANAMA[1]

[Translation from the French] 25 X 21.

On behalf of the Government of Panama, I recognize, in relation to any other Member or State which accepts the same obligation, that is to say, on the sole condition of reciprocity, the jurisdiction of the Court as compulsory, *ipso facto* and without any special convention.

Paris, 25 October 1921.

(Signed) R. A. AMADOR,
Chargé d'affaires.

PARAGUAY

[Translation from the Spanish] 25 IX 96.

Whereas the Republic of Paraguay signed the Charter of the United Nations on 26 June 1945 in San Francisco and ratified it on 12 October of that year,

Having seen and examined the text of the Statute of the International Court of Justice, principal judicial organ of the United Nations, whose Article 36, paragraph 2, stipulates that States parties to the Statute may declare at any time and without special agreement that they recognize as compulsory the jurisdiction of the Court,

And whereas the National Congress agreed to recognize this by means of Act No. 913 of 7 August 1996,

Therefore:

I hereby accept on behalf of the Government of Paraguay the compulsory jurisdiction of the International Court of Justice, with headquarters

[1] An instrument of ratification was deposited on 14 June 1929. Cf. the footnote to Colombia, p. 91, above.

at The Hague, reciprocally in relation to other States accepting the same obligation in respect of all disputes as provided for in Article 36, paragraph 2, of the Statute of the Court. The present declaration shall apply only to disputes arising subsequent to the date of this declaration.

In witness whereof I hereby sign this declaration, which is sealed with the national Seal and countersigned by the Minister for Foreign Affairs, Rubén Melgarejo Lanzoni, in the city of Asunción, capital of the Republic of Paraguay, on 17 September 1996.

(Signed) Juan Carlos WASMOSY,
President.

(Signed) Rubén MELGAREJO LANZONI,
Minister for Foreign Affairs.

PHILIPPINES[1]

18 I 72.

I, Carlos P. Romulo, Secretary of Foreign Affairs of the Republic of the Philippines, hereby declare, under Article 36, paragraph 2, of the Statute of the International Court of Justice, that the Republic of the Philippines recognizes as compulsory *ipso facto* and without special agreement, in relation to any other State accepting the same obligation, the jurisdiction of the International Court of Justice in all legal disputes arising hereafter concerning:

(a) the interpretation of a treaty;
(b) any question of international law;
(c) the existence of any fact which, if established, would constitute a breach of an international obligation;
(d) the nature or extent of the reparation to be made for the breach of an international obligation;

Provided, that this declaration shall not apply to any dispute –

(a) in regard to which the parties thereto have agreed or shall agree to have recourse to some other method of peaceful settlement; or
(b) which the Republic of the Philippines considers to be essentially within its domestic jurisdiction; or
(c) in respect of which the other party has accepted the compulsory jurisdiction of the International Court of Justice only in relation to or for the purposes of such dispute; or where the acceptance of the compulsory jurisdiction was deposited or ratified less than 12 months

[1] This declaration replaced that of 12 July 1947 (United Nations, *Treaty Series*, I, No. 101, Vol. 7).

prior to the filing of the application bringing the dispute before the Court; or

(d) arising under a multilateral treaty, unless (1) all parties to the treaty are also parties to the case before the Court, or (2) the Republic of the Philippines specially agrees to jurisdiction; or

(e) arising out of or concerning jurisdiction or rights claimed or exercised by the Philippines –

(i) in respect of the natural resources, including living organisms belonging to sedentary species, of the sea-bed and subsoil of the continental shelf of the Philippines, or its analogue in an archipelago, as described in Proclamation No. 370 dated 20 March 1968 of the President of the Republic of the Philippines; or

(ii) in respect of the territory of the Republic of the Philippines, including its territorial seas and inland waters; and

Provided, further, that this declaration shall remain in force until notice is given to the Secretary-General of the United Nations of its termination.

Done at Manila this 23rd day of December 1971.

(Signed) Carlos P. ROMULO,
Secretary of Foreign Affairs.

POLAND

25 III 96.

On behalf of the Government of the Republic of Poland I hereby declare that the Republic of Poland withdraws its consent to the compulsory jurisdiction of the International Court of Justice communicated on 25 September 1990[1] in light of Article 36, paragraph 2, of the Statute of the Court. At the same time, I hereby declare that the Republic of Poland shall recognize with the effect as of 25 September 1996, in accordance with the provisions of the aforementioned article, as compulsory *ipso facto* and without special agreement, in relation to any other State accepting the same obligation and subject to the sole condition of reciprocity, the jurisdiction of the International Court of Justice in all legal disputes other than:

(a) disputes prior to 25 September 1990 or disputes arisen out of facts or situations prior to the same date,

(b) disputes with regard to the territory and State boundaries,

(c) disputes with regard to environmental protection,

[1] *I.C.J. Yearbook 1994-1995*, pp. 109-110.

(d) disputes with regard to foreign liabilities or debts,

(e) disputes with regard to any State which has made a declaration accepting the compulsory jurisdiction of the International Court of Justice less than twelve months prior to the filing of the application bringing the dispute before the Court,

(f) disputes in respect whereof the parties have agreed or shall agree to have recourse to other method of peaceful settlement,

(g) disputes relating to matters which, by international law, fall exclusively within the domestic jurisdiction of the Republic of Poland.

The Government of the Republic of Poland reserves its right to withdraw or modify the present Declaration at any time and by means of a notification addressed to the Secretary-General of the United Nations, taking effect after six months from the moment whereof.

25 March 1996.

(Signed) Dariusz ROSATI,
Minister of Foreign Affairs.

PORTUGAL

19 XII 55.

Under Article 36, paragraph 2, of the Statute of the International Court of Justice, I declare on behalf of the Portuguese Government that Portugal recognizes the jurisdiction of this Court as compulsory *ipso facto* and without special agreement, as provided for in the said paragraph 2 of Article 36 and under the following conditions:

(1) the present declaration covers disputes arising out of events both prior and subsequent to the declaration of acceptance of the "optional clause" which Portugal made on 16 December 1920 as a party to the Statute of the Permanent Court of International Justice;

(2) the present declaration enters into force at the moment it is deposited with the Secretary-General of the United Nations; it shall be valid for a period of one year, and thereafter until notice of its denunciation is given to the said Secretary-General;

(3) the Portuguese Government reserves the right to exclude from the scope of the present declaration, at any time during its validity, any given category or categories of disputes, by notifying the Secretary-General of the United Nations and with effect from the moment of such notification.

Washington, D.C., 19 December 1955.

(Signed) L. ESTEVES FERNANDES.

SENEGAL[1]

[Translation from the French] 2 XII 85.

I have the honour, on behalf of the Government of the Republic of Senegal, to declare that, in conformity with Article 36, paragraph 2, of the Statute of the International Court of Justice, it accepts on condition of reciprocity as compulsory *ipso facto* and without special convention, in relation to any other State accepting the same obligation, the jurisdiction of the Court over all legal disputes arising after the present declaration, concerning:

- the interpretation of a treaty;
- any question of international law;
- the existence of any fact which, if established, would constitute a breach of an international obligation;
- the nature or extent of the reparation to be made for the breach of international obligation.

This declaration is made on condition of reciprocity on the part of all States. However, Senegal may reject the Court's competence in respect of:

- disputes in regard to which the parties have agreed to have recourse to some other method of settlement;
- disputes with regard to questions which, under international law, fall exclusively within the jurisdiction of Senegal.

Lastly, the Government of the Republic of Senegal reserves the right at any time, by means of a notification addressed to the Secretary-General of the United Nations, to add to, amend or withdraw the foregoing reservations.

Such notification would take effect on the date of its receipt by the Secretary-General.

Dakar, 22 October 1985.

(Signed) Ibrahima FALL,
Minister of Foreign Affairs
of the Republic of Senegal.

SOMALIA

11 IV 63.

I have the honour to declare on behalf of the Government of the Somali Republic that the Somali Republic accepts as compulsory *ipso facto*, and without special agreement, on condition of reciprocity, the jurisdiction of the International Court of Justice, in conformity with paragraph 2 of

[1] This declaration replaced that of 3 May 1985 (*I.C.J. Yearbook 1984-1985*, p. 93).

Article 36 of the Statute of the Court, until such time as notice may be given to terminate the acceptance, over all legal disputes arising other than disputes in respect of which any other party to the dispute has accepted the compulsory jurisdiction of the International Court of Justice only in relation to or for the purposes of the dispute; or where the acceptance of the Court's compulsory jurisdiction on behalf of any other party to the dispute was deposited or ratified less than 12 months prior to the filing of the application bringing the dispute before the Court.

The Somali Republic also reserves the right at any time by means of a notification addressed to the Secretary-General of the United Nations, and with effect as from the moment of such notification, either to add to, amend or withdraw any of the foregoing reservations, or any that may hereafter be added.

Mogadishu, 25 March 1963.

(*Signed*) Abdullahi Issa,
Minister for Foreign Affairs.

Spain

[Translation from the Spanish] 29 X 90.

1. On behalf of the Spanish Government, I have the honour to declare that the Kingdom of Spain accepts as compulsory *ipso facto* and without special agreement, the jurisdiction of the International Court of Justice, in conformity with Article 36, paragraph 2, of the Statute of the Court, in relation to any other State accepting the same obligation, on condition of reciprocity, in legal disputes not included among the following situations and exceptions:

(*a*) disputes in regard to which the Kingdom of Spain and the other party or parties have agreed or shall agree to have recourse to some other method of peaceful settlement of the dispute;

(*b*) disputes in regard to which the other party or parties have accepted the compulsory jurisdiction of the Court only in relation to or for the purposes of the dispute in question;

(*c*) disputes in regard to which the other party or parties have accepted the compulsory jurisdiction of the Court less than 12 months prior to the filing of the application bringing the dispute before the Court;

(*d*) disputes arising prior to the date on which this Declaration was deposited with the Secretary-General of the United Nations or relating to events or situations which occurred prior to that date, even if such events or situations may continue to occur or to have effects thereafter.

2. The Kingdom of Spain may at any time, by means of a notification addressed to the Secretary-General of the United Nations, add to, amend or withdraw, in whole or in part, the foregoing reservations or any

that may hereafter be added. These amendments shall become effective on the date of their receipt by the Secretary-General of the United Nations.

3. The present Declaration, which is deposited with the Secretary-General of the United Nations in conformity with Article 36, paragraph 4, of the Statute of the International Court of Justice, shall remain in force until such time as it has been withdrawn by the Spanish Government or superseded by another declaration by the latter.

The withdrawal of the Declaration shall become effective after a period of six months has elapsed from the date of receipt by the Secretary-General of the United Nations of the relevant notification by the Spanish Government. However, in respect of States which have established a period of less than six months between notification of the withdrawal of their Declaration and its becoming effective, the withdrawal of the Spanish Declaration shall become effective after such shorter period has elapsed.

Madrid, 15 October 1990.

(Signed) Francisco FERNÁNDEZ ORDÓÑEZ,
Minister for Foreign Affairs.

SUDAN

2 I 58.

I have the honour by direction of the Ministry of Foreign Affairs to declare, on behalf of the Government of the Republic of the Sudan, that in pursuance of paragraph 2 of Article 36 of the Statute of the International Court of Justice, the Government of the Republic of the Sudan recognize as compulsory *ipso facto* and without special agreement, on condition of reciprocity, until such time as notice may be given to terminate this declaration, the jurisdiction of the International Court of Justice in all legal disputes arising after the first day of January 1956 with regard to situations or facts subsequent to that date concerning:

(a) the interpretation of a treaty concluded or ratified by the Republic of the Sudan on or after the first day of January 1956;
(b) any question of international law;
(c) the existence of any fact, which, if established, would constitute a breach of an international obligation; or
(d) the nature or extent of the reparation to be made for the breach of an international obligation;

but excluding the following:

(i) disputes in regard to which the parties to the dispute have agreed or shall agree to have recourse to some other method of peaceful settlement;

(ii) disputes in regard to matters which are essentially within the domestic jurisdiction of the Republic of the Sudan as determined by the Government of the Republic of the Sudan;

(iii) disputes arising out of events occurring during any period in which the Republic of the Sudan is engaged in hostilities as a belligerent.

New York, 30 December 1957.

(Signed) Yacoub OSMAN,
Permanent Representative of the Sudan
to the United Nations.

SURINAME

31 VIII 87.

I have the honour by direction of the Minister of Foreign Affairs of the Republic of Suriname, to declare on behalf of the Government of Suriname:

The Government of the Republic of Suriname recognizes, in accordance with Article 36, paragraph 2, of the Statute of the International Court of Justice, with effect from the seventh September 1987, as compulsory *ipso facto* and without special agreement, in relation to any other State accepting the same obligation, that is on condition of reciprocity, the jurisdiction of the said Court in all disputes, which have arisen prior to this Declaration or may arise after this Declaration, with the exception of:

(A) disputes which have arisen or may arise with respect to or in relation with the borders of the Republic of Suriname;

(B) disputes in respect of which the parties, excluding the jurisdiction of the International Court of Justice, have agreed to settlement by means of arbitration, mediation or other methods of conciliation and accommodation.

This Declaration shall be binding for a period of five years and shall continue in force after that period until twelve months after the Government of the Republic of Suriname has given notice of its termination.

New York, 31 August 1987.

(Signed) W. H. Werner VREEDZAAM,
Chargé d'affaires of the Permanent Mission
of the Republic of Suriname
to the United Nations.

SWAZILAND

26 V 69.

I, Prince Makhosini Jameson Dlamini, Prime Minister of the Kingdom of Swaziland to whom His Majesty has delegated responsibility for the conduct of foreign affairs, have the honour to declare on behalf of the Government of the Kingdom of Swaziland, that it recognizes as compulsory *ipso facto* and without special agreement, on condition of reciprocity, the jurisdiction of the International Court of Justice, in accordance with paragraph 2 of Article 36 of the Statute of the Court.

This Declaration does not extend:

(a) to disputes in respect of which the parties have agreed or shall agree to have recourse to another means of peaceful settlement; or

(b) to disputes relating to matters which, by international law, are essentially within the domestic jurisdiction of the Kingdom of Swaziland.

The Government of the Kingdom of Swaziland also reserves the right to add to, amend or withdraw this Declaration by means of a notification addressed to the Secretary-General of the United Nations, with effect as from the moment of such notification.

Mbabane, 9 May 1969.

(Signed) Makhosini Jameson DLAMINI,
Prime Minister and Minister
for Foreign Affairs.

SWEDEN[1]

[Translation from the French] 6 IV 57.

On behalf of the Royal Swedish Government, I declare that it accepts as compulsory *ipso facto* and without special agreement, in relation to any other State accepting the same obligation, the jurisdiction of the International Court of Justice, in accordance with Article 36, paragraph 2, of the Statute of the said Court, for a period of five years as from 6 April 1957. This obligation shall be renewed by tacit agreement for further periods of the same duration unless notice of abrogation is made at least six months before the expiration of any such period. The above-mentioned obligation is accepted only in respect of disputes which may arise with regard to situations or facts subsequent to 6 April 1947.

New York, 6 April 1957.

(Signed) Claes CARBONNIER,
Permanent Representative *a.i.*
of Sweden to the United Nations.

[1] This declaration replaced that of 5 April 1947, which had been made for a period of ten years (United Nations, *Treaty Series*, I, No. 16, Vol. 2).

SWITZERLAND

[Translation from the French] 28 VII 48.

The Swiss Federal Council, duly authorized for that purpose by a Federal decree which was adopted on 12 March 1948 by the Federal Assembly of the Swiss Confederation and became operative on 17 June 1948,

Hereby declares that the Swiss Confederation recognizes as compulsory *ipso facto* and without special agreement, in relation to any other State accepting the same obligation, the jurisdiction of the International Court of Justice in all legal disputes concerning:

(a) the interpretation of a treaty;
(b) any question of international law;
(c) the existence of any fact which, if established, would constitute a breach of an international obligation;
(d) the nature or extent of the reparation to be made for the breach of an international obligation.

This declaration, which is made under Article 36 of the Statute of the International Court of Justice, shall take effect from the date on which the Swiss Confederation becomes a party to that Statute[1] and shall have effect as long as it has not been abrogated subject to one year's notice.

Done at Berne, 6 July 1948.

On behalf of the Swiss Federal Council:

(Signed) CELIO,
The President of the Confederation.

(Signed) LEIMGRUBER,
The Chancellor of the Confederation.

TOGO

[Translation from the French] 25 X 1979.

The Togolese Republic,

Represented by His Excellency Mr. Akanyi-Awunyo Kodjovi, Ambassador Extraordinary and Plenipotentiary, Permanent Representative of Togo to the United Nations,

Acting pursuant to the provisions of Article 36, paragraphs 2 and 3, of the Statute of the International Court of Justice, annexed to the Charter of the United Nations,

Guided by its constant concern to ensure the peaceful and equitable settlement of all international disputes, particularly those in which it

[1] Switzerland became a party to the Statute of the Court on 28 July 1948.

might be involved, and desiring to contribute to the strengthening of the international legal order based on the principles set forth in the Charter of the United Nations,

Declares that it recognizes as compulsory *ipso facto* and without special agreement in relation to any other State accepting the same obligation, that is, subject to reciprocity, the jurisdiction of the International Court of Justice in all disputes concerning:

(a) the interpretation of a treaty;
(b) any question of international law;
(c) the existence of any fact which, if established, would constitute a breach of an international obligation;
(d) the nature or extent of the reparation to be made for the breach of an international obligation.

The present declaration has been made for an unlimited period subject to the power of denunciation and modification attached to any obligation assumed by a sovereign State in its international relations. It will enter into force on the day on which it is received by the United Nations Secretariat.

New York, 24 October 1979.

(Signed) Akanyi-Awunyo KODJOVI.

UGANDA

3 X 63.

I hereby declare on behalf of the Government of Uganda that Uganda recognizes as compulsory *ipso facto* and without special agreement, in relation to any other State accepting the same obligation, and on condition of reciprocity, the jurisdiction of the International Court of Justice in conformity with paragraph 2 of Article 36 of the Statute of the Court.

New York, 3 October 1963.

(Signed) Apollo K. KIRONDE,
Ambassador and Permanent Representative
of Uganda to the United Nations.

UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND[1]

1 I 69.

I have the honour, by direction of Her Majesty's Principal Secretary of State for Foreign and Commonwealth Affairs, to declare on behalf of the Government of the United Kingdom of Great Britain and Northern Ire-

[1] This declaration replaced that of 27 November 1963 (United Nations, *Treaty Series*, I, No. 6995, Vol. 482), notice of the withdrawal and termination of which was given by letter of 1 January 1969, received by the Secretary-General of the United Nations on that date.

land that they accept as compulsory *ipso facto* and without special convention, on condition of reciprocity, the jurisdiction of the International Court of Justice, in conformity with paragraph 2 of Article 36 of the Statute of the Court, until such time as notice may be given to terminate the acceptance, over all disputes arising after 24 October 1945, with regard to situations or facts subsequent to the same date, other than:

(i) any dispute which the United Kingdom

(a) has agreed with the other Party or Parties thereto to settle by some other method of peaceful settlement; or

(b) has already submitted to arbitration by agreement with any State which had not at the time of submission accepted the compulsory jurisdiction of the International Court of Justice;

(ii) disputes with the government of any other country which is a Member of the Commonwealth with regard to situations or facts existing before 1 January 1969;

(iii) disputes in respect of which any other Party to the dispute has accepted the compulsory jurisdiction of the International Court of Justice only in relation to or for the purpose of the dispute; or where the acceptance of the Court's compulsory jurisdiction on behalf of any other Party to the dispute was deposited or ratified less than twelve months prior to the filing of the application bringing the dispute before the Court.

2. The Government of the United Kingdom also reserve the right at any time, by means of a notification addressed to the Secretary-General of the United Nations, and with effect as from the moment of such notification, either to add to, amend or withdraw any of the foregoing reservations, or any that may hereafter be added.

New York, 1 January 1969.

(Signed) L. C. GLASS.

URUGUAY[1]

[Translation from the French] *Prior to* 28 I 21[2].

On behalf of the Government of Uruguay, I recognize, in relation to any Member or State accepting the same obligation, that is to say, on the sole condition of reciprocity, the jurisdiction of the Court as compulsory, *ipso facto* and without special convention.

(Signed) B. FERNANDEZ Y MEDINA.

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[1] An instrument of ratification was deposited on 27 September 1921. Cf. the footnote to Colombia, p. 91, above.

[2] The date on which this declaration (undated) was first published in a League of Nations document.

III. Chronological List of Other Instruments Governing the Jurisdiction of the Court

Below is a chronological list of treaties and other instruments *notified to the Registry* following registration, classification or recording at the Secretariat of the United Nations which (in addition to certain texts referred to in Section I of the present chapter, the declarations reproduced in Section II and the special agreements whereby particular cases were submitted to the Court) contain clauses relating to the jurisdiction of the Court in contentious proceedings. Such clauses generally provide that disputes concerning the application or interpretation of the instrument may be referred to the Court for decision. For each instrument, the table mentions the date and place of signature, the title of the instrument, the relevant clause and the contracting parties, and also, as far as available, the number under which it has been registered or filed and recorded by the Secretariat and the volume in the United Nations *Treaty Series* in which it has been or will be published.

Where instruments prior to 1946 are mentioned they are instruments relating to the jurisdiction of the *Permanent Court of International Justice* which have been filed and recorded by the Secretariat of the United Nations and appear in the *Treaty Series* of the United Nations.

The fact that a treaty is or is not included in this section is without prejudice to its possible application by the Court in a particular case.

Any instrument not mentioned in previous *I.C.J. Yearbooks* is indicated by an asterisk.

1933	*Place*	*Title and Clause*	*Contracting Parties*	*Treaty Series*
12 May	Ottawa	Convention concerning the rights of nationals and commercial and shipping matters (Art. 20)	Canada/France	II: 545 Vol. 253
1939				
17 Dec.	Bogotá	Treaty of non-aggression, conciliation and judicial settlement (Art. XXIV)	Colombia/Venezuela	II: 896 Vol. 1257
1940				
30 Mar.	Caracas	Treaty for the pacific settlement of disputes	Brazil/Venezuela	II: 195 Vol. 51
1944				
7 Dec.	Chicago	International air services transit agreement (Art. II, Sec. 2)	Multilateral	II: 252 Vol. 84
7 Dec.	Chicago	International air transport agreement (Art. IV, Sec. 3)	Multilateral	II: 502 Vol. 171
1946				
17 Apr.	Luxembourg	Convention concerning the Luxembourg railways (Art. 12)	Luxembourg/Belgium/France	I: 402 Vol. 27

1946 (cont.)	Place	Title and Clause	Contracting Parties	Treaty Series
4 Nov.	Nanking	Treaty of friendship, commerce and navigation (Art. XXVIII)	China[1] / United States	1:359 Vol. 25
11 Dec.[2]	Lake Success	International convention relating to dangerous drugs, signed at Geneva, 19 Feb. 1925, as amended (Art. 32)	Multilateral	1:186 Vol. 12
11 Dec.[2]	Lake Success	International convention for limiting the manufacture and regulating the distribution of narcotic drugs, signed at Geneva on 13 July 1931, as amended (Art. 25)	Multilateral	1:186 Vol. 12
11 Dec.[2]	Lake Success	International convention for the suppression of illicit traffic in dangerous drugs, signed at Geneva on 26 June 1936, as amended (Art. 17)	Multilateral	1:186 Vol. 12
1947				
18 Apr.	Manila	Treaty of amity (Art. 2)	China[1] Philippines	1:175 Vol. 11
9 July	Rome	Treaty of friendship and general relations (Art. V)	Italy Philippines	1:674 Vol. 44
17 Oct.	London	Treaty regarding recognition of Burmese independence (Art. 14)	United Kingdom / Burma	1:904 Vol. 70
12 Nov.[2]	Lake Success	Convention (concluded at Geneva on 12 Sep. 1923) for the suppression of the circulation of and traffic in obscene publications, as amended (Art. 15)	Multilateral	1:710 Vol. 46
12 Nov.[2]	Lake Success	Convention (concluded at Geneva on 11 Oct. 1933) for the suppression of traffic in women of full age, as amended (Art. 4)	Multilateral	1:772 Vol. 53
1948				
24 Jan.	Paris	Agreement concerning monetary and financial relations (Art. 23)	France Lebanon	1:2263 Vol. 173
2 Feb.	Rome	Treaty of friendship, commerce and navigation (Art. XXVI)	United States Italy	1:1040 Vol. 79

[1] All entries recorded throughout this Section in respect of China refer to actions taken by the authorities representing China in the United Nations at the time of those actions, and are to be understood in the light of General Assembly resolution 2758 (XXVI) of 25 October 1971.

[2] The date and place given here are those of the signature of the amending protocol.

1948 (cont.)	Place	Title and Clause	Contracting Parties	Treaty Series
30 Apr.	Bogotá	American treaty on pacific settlement	Multilateral	1:449 Vol. 30
21 May	New Delhi	Agreement relating to air services (Art. XI)	India/Sweden	1:543 Vol. 34
23 June	Karachi	Agreement relating to air services (Art. XI)	Pakistan/India	1:423 Vol. 28
28 June	Rome	Economic co-operation agreement (Art. X)	United States/Italy	1:314 Vol. 20
28 June	Paris	Economic co-operation agreement (Art. X)	United States/France	1:302 Vol. 19
29 June	Copenhagen	Economic co-operation agreement (Art. X)	United States/Denmark	1:338 Vol. 22
2 July	Vienna	Economic co-operation agreement (Art. IX)	United States/Austria	1:323 Vol. 21
2 July	The Hague	Economic co-operation agreement (Art. X)	United States/Netherlands	1:315 Vol. 20
2 July	Athens	Economic co-operation agreement (Art. X)	United States/Greece	1:342 Vol. 23
2 July	Brussels	Economic co-operation agreement (Art. X)	United States/Belgium	1:309 Vol. 19
3 July	Oslo	Economic co-operation agreement (Art. X)	United States/Norway	1:317 Vol. 20
3 July	Reykjavik	Economic co-operation agreement (Art. X)	United States/Iceland	1:316 Vol. 20
3 July	Nanking	Economic co-operation agreement (Art. XI)	United States/China[1]	1:273 Vols. 17 and 45
3 July	Luxembourg	Economic co-operation agreement (Art. X)	United States/Luxembourg	1:350 Vol. 24
3 July	Stockholm	Economic co-operation agreement (Art. IX)	United States/Sweden	1:343 Vol. 23
4 July	Ankara	Economic co-operation agreement (Art. IX)	United States/Turkey	1:351 Vol. 24
6 July	London	Economic co-operation agreement (Art. X)	United States/United Kingdom	1:339 Vol. 22
28 Sep.	Lisbon	Economic co-operation agreement, as amended (Art. X)	United States/Portugal	1:442 Vol. 29
6 Oct.	Beirut	Treaty concerning consular arrangements, navigation, civil and commercial rights and establishment (Art. 33)	Greece/Lebanon	1:1179 Vol. 87
15/29 Nov.	Washington	*cf.* 1961, 23 Nov.		
9 Dec.	Paris (opened for signature)	Convention on the prevention and punishment of the crime of genocide (Art. IX)	Multilateral	1:1021 Vol. 78

[1] See note 1, p. 127.

1949	*Place*	*Title and Clause*	*Contracting Parties*	*Treaty Series*
3 Jan.	Karachi	Agreement relating to air services (Art. XI)	Pakistan/Ceylon	I:428 Vol. 28
28 Apr.	Lake Success (opened for accession)	Revised general act for the pacific settlement of international disputes	Multilateral	I:912 Vol. 71
14 June	Washington	Treaty of friendship (Art. II)	Thailand/ Philippines	I:1062 Vol. 81
4 July	Berne	Convention concerning the construction and use of the Bâle-Mulhouse airport at Blotzheim (Art. 20)	France/Switzerland	I:22048 Vol. 1323
15 July	Lake Success (opened for signature)	Agreement for facilitating the international circulation of visual and auditory materials of an educational, scientific and cultural character (Art. IX)	Multilateral	I:2631 Vol. 197
30 Aug.	Ottawa	Agreement relating to air services (Art. 9)	Canada/Belgium	I:782 Vol. 53
10 Sep.	Guatemala City	Treaty of peace, friendship and co-operation (Art. 7)	Guatemala/Italy	I:1410 Vol. 102
19 Sep.	Geneva	Convention on road traffic (Art. 33)	Multilateral	I:1671 Vol. 125
20 Sep.	Beirut	Air transport agreement (Art. IX)	Netherlands/ Lebanon	I:1474 Vol. 108
20 Oct.	New Delhi	Agreement relating to air services (Art. XI)	India/Philippines	I:934 Vol. 72
31 Oct.	Tehran	Agreement relating to air services (Art. 12)	Netherlands/Iran	I:3596 Vol. 254
1950				
12 Jan.	Canberra	Agreement relating to air services (Art. XII)	Australia/Ceylon	I:789 Vol. 53
21 Jan.	Dublin	Treaty of friendship, commerce and navigation (Art. XXIII)	United States/ Ireland	I:2792 Vol. 206
27 Jan.	Mexico City	Commercial agreement (Art. VII)	Netherlands/ Mexico	I:1661 Vol. 123
18 Feb.	Tehran	Treaty of friendship (Art. IV)	Iran/Pakistan	I:2119 Vol. 161
21 Mar.	Lake Success (opened for signature)	Convention for suppression of traffic in persons and of exploitation of prostitution of others (Art. 22)	Multilateral	I:342 Vol. 96
24 Mar.	Rome	Treaty of friendship, conciliation and judicial settlement (Arts. 18-24)	Turkey/Italy	I:1338 Vol. 96
6 Aug.	Cairo	Agreement relating to air transport services (Art. XVI)	Egypt/France	I:1710 Vol. 127
16 Aug.	Wellington	Agreement relating to air services (Art. X)	New Zealand/ Canada	I:1002 Vol. 77

1950 *(cont.)*	*Place*	*Title and Clause*	*Contracting Parties*	*Treaty Series*
28 Aug.	Manila	Treaty of friendship, consular services and establishment (Art. II)	Greece/Philippines	1:3097 Vol. 225
16 Sep.	Brussels	Commercial agreement (Art. 7)	Belgo-Luxembourg Economic Union/ Mexico	1:2523 Vol. 188
15 Dec.	London	Trade agreement (Art. 8)	United Kingdom/ Norway	1:1459 Vol. 106
1951				
2 Feb.	Paris	Treaty of cession of the territory of the Free Town of Chandernagore (Art. XI)	India/France	1:2744 Vol. 203
22 Feb.	Oslo	Consular convention (Art. 34)	United Kingdom/ Norway	1:4713 Vol. 326
8 May	London	Agreement for air services (Art. 10)	Belgium/ United Kingdom	1:2079 Vol. 158
24 May	New Delhi	Agreement relating to air services (Art. XI)	India/Netherlands	1:1471 Vol. 108
18 June	Tehran	Agreement relating to air services (Art. 12)	Denmark/Iran	1:3602 Vol. 255
28 July	Geneva (opened for signature)	Convention relating to the status of refugees (Art. 38)	Multilateral	1:2545 Vol. 189
3 Aug.	Athens	Treaty of friendship, commerce and navigation (Art. XXVI)	Greece/ United States	1:3080 Vol. 224
23 Aug.	Washington	Treaty of friendship, commerce and navigation (Art. XXIV)	Israel/ United States	1:2979 Vol. 219
7 Sep.	Addis Ababa	Treaty of amity and economic relations (Art. XVII)	United States/ Ethiopia	1:2785 Vol. 206
8 Sep.	San Francisco	Treaty of peace with Japan (Art. 22)	Multilateral	1:1832 Vol. 136
25 Sep.	Canberra	Agreement relating to air services (Art. VIII)	Netherlands/ Australia	1:1713 Vol. 128
1 Oct.	Copenhagen	Treaty of friendship, commerce and navigation (Art. XXIV)	United States/ Denmark	1:6056 Vol. 421
31 Dec.	Paris	Consular convention (Art. 49)	France/ United Kingdom	1:4744 Vol. 330
1952				
14 Mar.	Stockholm	Consular convention (Art. 34)	Sweden/ United Kingdom	1:2731 Vol. 202
9 May	Tel Aviv	Agreement for economic assistance (Art. VIII)	United States/Israel	1:226 Vol. 177
14 June	Cairo	Agreement relating to air services (Art. XIV)	Australia/Egypt	1:2269 Vol. 173
11 July	Manila	Treaty of friendship (Art. II)	India/Philippines	1:2741 Vol. 203

1952 (cont.)	Place	Title and Clause	Contracting Parties	Treaty Series
17 July	Karachi	Agreement relating to air services (Art. XI)	Pakistan/ Netherlands	I:1980 Vol. 150
29 Aug.	Cairo	Agreement relating to air services (Art. XI)	Ethiopia/Pakistan	I:1979 Vol. 150
6 Sep.	Geneva	Universal copyright convention (Art. XV)	Multilateral	I:2937 Vol. 216
1953				
9 Jan.		Treaty of permanent friendship (Art. VI)	Costa Rica/Spain	
31 Mar.	New York (opened for signature)	Convention on the political rights of women (Art. IX)	Multilateral	I:2613 Vol. 193
31 Mar.	New York (opened for signature)	Convention on the international right of correction (Art. V)	Multilateral	I:6280 Vol. 435
2 Apr.	Tokyo	Treaty of friendship, commerce and navigation (Art. XXIV)	United States/Japan	I:2788 Vol. 206
17 Apr.	Athens	Consular convention (Art. 35)	Greece/ United Kingdom	I:2582 Vol. 191
27 Apr.	Bangkok	Agreement relating to air services (Art. 10)	Thailand/ Philippines	I:2274 Vol. 174
23 June	New York (opened for signature)	Protocol for limiting and regulating cultivation of poppy plant, production of, international and wholesale trade in, and use of opium (Art. 15)	Multilateral	I:6555 Vol. 456
1 July	Paris (opened for signature)	Convention for the establishment of a European Organization for Nuclear Research (Art. XI)	Multilateral	I:2701 Vol. 200
14 Sep.	Colombo	Agreement for air services (Art. 11)	Netherlands/Ceylon	I:2608 Vol. 193
24 Sep.	Helsinki	Agreement concerning a supplement to the convention of 30 January 1926 for the pacific settlement of disputes	Finland/Denmark	I:2532 Vol. 188
26 Sep.	Madrid	Economic aids agreement (Art. IX)	Spain/United States	I:2802 Vol. 207
19 Oct.	Venice	Constitution of the Intergovernmental Committee for European Migration (Art. 30)	Multilateral	I:2807 Vol. 207
7 Dec.[1]	New York	Slavery convention signed at Geneva on 25 Sep. 1926, as amended (Art. 8)	Multilateral	I:2861 Vol. 212
24 Dec.	Beirut	Agreement for air services (Art. 10)	Belgium/Lebanon	I:2972 Vol. 219

[1] The date and the place given here are those at which the amending protocol was opened for signature.

1954	*Place*	*Title and Clause*	*Contracting Parties*	*Treaty Series*
16 Feb.	Paris	Convention on conditions of residence and navigation (Art. 13)	Sweden/France	I: 3147 Vol. 228
3 Mar.	Bangkok	Treaty of friendship (Art. VI)	Thailand/Indonesia	I: 2893 Vol. 213
20 Mar.	Mexico City	Consular convention (Art. 36)	United Kingdom/ Mexico	I: 4750 Vol. 331
17 Apr.	Beirut	Agreement relating to air services (Art. XIII)	Yugoslavia/ Lebanon	I: 8713 Vol. 602
12 May	London (opened for signature)	International convention for the prevention of pollution of the sea by oil (Art. XIII)	Multilateral	I: 4714 Vol. 327
1 June	Rome	Consular convention (Art. 37)	United Kingdom/ Italy	I: 5798 Vol. 403
28 Sep.	New York	Convention relating to the status of stateless persons (Art. 34)	Multilateral	I: 5158 Vol. 360
13 Oct.	Paris (opened for signature)	International convention on the standardization of methods of analysing and appreciating wines (Art. 6)	Multilateral	I: 10416 Vol. 724
23 Oct.[1]	Paris	Treaty for collaboration in economic, social and cultural matters and for collective self-defence, signed at Brussels on 17 March 1948, as amended (Art. X)	Belgium, France, Luxembourg, Netherlands, United Kingdom, Fed. Rep. of Germany, Italy	I: 304 Vols. 19 and 211
29 Oct.	Washington	Treaty of friendship, commerce and navigation (Art. XXVII)	United States/ Fed. Rep. of Germany	I: 3943 Vol. 273
5 Nov.	Rangoon	Treaty of peace (Art. IX)	Burma/Japan	I: 3542 Vol. 251
24 Nov.	Rio de Janeiro	Agreement concerning conciliation and judicial settlement (Arts. 16-22)	Italy/Brazil	I: 4146 Vol. 284
1 Dec.[2]	Paris	Agreement concerning the International Institute of Refrigeration, replacing the convention of 21 June 1920 (Art. XXXIII)	Multilateral	I: 11837 Vol. 826
14 Dec.	Quito	Air transport agreement (Art. VIII)	Netherlands/ Ecuador	I: 3233 Vol. 232
1955				
31 Jan.	Manila	Agreement for air services (Art. 11)	Philippines/ United Kingdom	I: 2932 Vol. 216
5 Mar.	Paris	Consular convention (Art. 44)	Sweden/France	I: 6150 Vol. 427

[1] The date and the place given here are those of the signature of the protocol modifying and completing the Treaty, by which Article VIII of the Treaty became Article X.

[2] The date and place given here are those of the signature of the revised Convention.

1955 (cont.)	Place	Title and Clause	Contracting Parties	Treaty Series
10 Aug.	Tripoli	Treaty of friendship and good neighbourliness (Art. 8)	France/Libya	
15 Aug.	Tehran	Treaty of amity, economic relations and consular rights (Art. XXI)	United States/Iran	1:4132 Vol. 284
17 Sep.	Lugano	Convention concerning the regulation of Lake Lugano (Art. XI)	Italy/Switzerland	1:4257 Vol. 291
20 Oct.	Berne	Additional protocol to the convention concerning the constitution of "Eurofima" (Art. 14)	Multilateral	1:5425 Vol. 378
21 Oct.	Beirut	Air transport agreement (Art. 11)	Denmark/Lebanon	1:3482 Vol. 248
13 Dec.	Paris	European convention on establishment (Art. 31)	Multilateral	1:7660 Vol. 529
1956				
27 Mar.	The Hague	Treaty of friendship, commerce and navigation (Art. XXV)	Netherlands/ United States	1:4154 Vol. 285
30 Apr.	Paris	Agreement on commercial rights of non-scheduled air services in Europe (Art. 4)	Multilateral	1:4494 Vol. 310
19 May	Geneva (opened for signature)	Convention on the contract for the international carriage of goods by road (Art. 47)	Multilateral	1:5742 Vol. 399
20 June	New York (opened for signature)	Convention on the recovery abroad of maintenance (Art. 16)	Multilateral	1:3850 Vol. 268
30 July	Bonn	Consular convention (Art. 41)	United Kingdom/ Fed. Rep. of Germany	1:4748 Vol. 330
30 Aug.	Manila	Treaty of friendship (Art. 2)	Philippines/ Switzerland	1:4284 Vol. 293
7 Sep.	Geneva	Supplementary convention on the abolition of slavery, the slave trade, and institutions and practices similar to slavery (Art. 10)	Multilateral	1:3822 Vol. 266
28 Nov.	Seoul	Treaty of friendship, commerce and navigation (Art. XXIV)	United States/ Rep. of Korea	1:4367 Vol. 302
11 Dec.	Athens	Convention on judicial settlement	Greece/Sweden	1:4316 Vol. 299
1957				
20 Feb.	New York (opened for signature)	Convention on the nationality of married women (Art. 10)	Multilateral	1:4468 Vol. 309
28 Feb.	Tokyo	Treaty of commerce and navigation (Art. XVIII, para. 2)	Norway/Japan	1:4054 Vol. 280

1957 (cont.)	Place	Title and Clause	Contracting Parties	Treaty Series
24 Apr.	Cairo	Declaration on the Suez Canal and the arrangements for its operation (para. 9)	Egypt[1]	I:3821 Vol. 265
29 Apr.	Strasbourg (opened for signature)	European convention of the peaceful settlement of disputes	Multilateral	I:4646 Vol. 230
23 June	Kabul	Agreement relating to air services (Art. XI)	Pakistan/ Afghanistan	I:4717 Vol. 327
23 Nov.	The Hague	Agreement relating to refugee seamen (Art. 14)	Multilateral	I:7384 Vol. 506
1958				
20 Jan.	Djakarta	Treaty of peace (Art. 6)	Japan/Indonesia	I:4688 Vol. 324
3 Feb.	The Hague	Treaty instituting the Benelux Economic Union (Art. 50)	Belgium, Luxembourg, Netherlands	I:5471 Vol. 381
5 Mar.	Stockholm	Agreement relating to air services (Art. XI)	Norway/Pakistan	I:4769 Vol. 334
6 Mar.	Stockholm	Agreement relating to air services (Art. XI)	Sweden/Pakistan	I:5656 Vol. 393
10 Apr.	Copenhagen	Agreement relating to air services (Art. XI)	Denmark/Pakistan	I:4353 Vol. 302
14 Apr.	Tehran	Agreement concerning air transport (Art. 13)	Belgium/Iran	I:5473 Vol. 381
29 Apr.	Geneva (opened for signature)	Optional protocol of signature concerning the compulsory settlement of disputes[2]	Multilateral	I:6466 Vol. 450
7 June	Karachi	Agreement relating to air services (Art. XI)	Pakistan/Portugal	I:4645 Vol. 320
4 July	Karachi	Agreement relating to air services (Art. XI)	Belgium/Pakistan	I:5569 Vol. 387
21 July	Vienna	Agreement relating to air services (Art. XI)	Austria/Afghanistan	I:9236 Vol. 645
28 Nov.	Monrovia	Agreement for the establishment and operation of air services (Art. 9)	Liberia/Netherlands	I:5651 Vol. 393
1959				
30 Jan.	Tegucigalpa	Agreement on commerce (Art. XII)	Belgium, Luxembourg, Netherlands/ Honduras	I:9234 Vol. 645
16 July	Rome	Agreement relating to air services (Art. XI)	India/Italy	I:6714 Vol. 464
12 Nov.	Washington	Treaty of friendship and commerce (Art. XXIII)	United States/ Pakistan	I:5816 Vol. 404

[1] See Sec. II, p. 94, above.

[2] This Protocol relates to disputes concerning the Geneva Conventions on the Law of the Sea of 29 April 1958.

1959 (cont.)	*Place*	*Title and Clause*	*Contracting Parties*	*Treaty Series*
19 Nov.	Rome	Convention placing the International Poplar Commission within the framework of FAO (Art. XV)	Multilateral	I: 5902 Vol. 410
25 Nov.	Paris	Convention of establishment (Art. XVI)	United States/ France	I: 5764 Vol. 401
25 Nov.	Bonn	Treaty for the promotion and protection of investments (Art. 11)	Pakistan/ Fed. Rep. of Germany	I: 6575 Vol. 457
1 Dec.	Washington	Antarctic treaty (Art. XI)	Multilateral	I: 5778 Vol. 402
9 Dec.	Monrovia	Agreement relating to air services (Art. VIII)	Sweden/Liberia	I: 6716 Vol. 464
1960				
13 Feb.[1]	Beirut	Agreement for air transport of 24 Jan. 1949, as amended (Art. 9)	Italy/Lebanon	I: 3223 Vol. 497
9 Mar.	Conakry	Air transport agreement (Art. 9)	Netherlands/Guinea	I: 5646 Vol. 392
15 Mar.	Geneva	Convention relating to the unification of certain rules concerning collisions in inland navigation (Art. 14)	Multilateral	I: 8310 Vol. 572
24 Mar.	Berne	Agreement concerning air services (Art. 9)	Belgium/ Switzerland	I: 5996 Vol. 416
8 Apr.	The Hague	Treaty concerning arrangements for co-operation in the Ems estuary (Art. 46)	Netherlands/ Fed. Rep. of Germany	I: 7404 Vol. 509
8 Apr.	The Hague	Agreement to accept the compulsory jurisdiction of the International Court of Justice in disputes concerning the interpretation or application of the revised convention on Rhine navigation, 1868	Netherlands/ Fed. Rep. of Germany	I: 7404 Vol. 509
24 June	Vienna	Consular convention (Art. 45)	United Kingdom/ Austria	I: 7327 Vol. 502
19 Oct.	Amman	Agreement relating to air services (Art. 9)	Belgium/Jordan	I: 6959 Vol. 479
14 Dec.	Paris	Convention against discrimination in education (Art. 8)	Multilateral	I: 6193 Vol. 429
14 Dec.[2]	New Delhi	Agreement of 11 July 1949 relating to air services, as amended (Art. X)	India/Australia	I: 552 Vols. 35 and 425
18 Dec.	Tokyo	Treaty of friendship and commerce (Art. XIII)	Pakistan/Japan	I: 6093 Vol. 423

[1] The date given here is the date of signature of the amending protocol.

[2] The date given here is that of the exchange of notes which modified the Agreement and by which Article XI became Article X.

1961	*Place*	*Title and Clause*	*Contracting Parties*	*Treaty Series*
21 Feb.	Brussels	Treaty of friendship, establishment and navigation (Art. 19)	Belgium United States	I: 6967 Vol. 480
8 Mar.	Brussels	Consular convention (Art. 43)	Belgium United Kingdom	I: 7554 Vol. 523
11 Mar.	Reykjavik	Exchange of notes constituting an agreement settling the fisheries dispute (para. 4)	Iceland United Kingdom	I: 5710 Vol. 397
30 Mar.	New York	Single convention on narcotic drugs (Art. 48)	Multilateral	I: 7515 Vol. 520
3 Apr.	Saigon	Treaty of amity and economic relations (Art. XIV)	United States Republic of Viet Nam	I: 6106 Vol. 424
18 Apr.	Vienna	Optional protocol to the Vienna convention on diplomatic relations concerning the compulsory settlement of disputes	Multilateral	I: 7312 Vol. 500
30 May	Madrid	Consular convention (Art. 53)	United Kingdom Spain	I: 8198 Vol. 562
17 June	Conakry	Air transport agreement (Art. 9)	Sweden Guinea	I: 6729 Vol. 465
19 July	Reykjavik	Exchange of notes constituting an agreement concerning the fishery zone round Iceland (para. 5)	Iceland Fed. Rep. of Germany	I: 5877 Vol. 409
27 July	Beirut	Agreement for the establishment and operation of air services (Art. XII)	Lebanon Liberia	I: 11304 Vol. 794
24 Aug.	Amman	Agreement relating to air services (Art. 9)	Netherlands Jordan	I: 6733 Vol. 466
30 Aug.	New York	Convention on the reduction of statelessness (Art. 14)	Multilateral	I: 14458 Vol. 989
31 Aug.	Monrovia	Agreement relating to air services (Art. XII)	Switzerland Liberia	I: 8160 Vol. 559
26 Oct.	Rome	International convention for the protection of performers, producers of phonograms and broadcasting organizations (Art. 30)	Multilateral	I: 7247 Vol. 496
23 Nov.[1]	Rome	Constitution of the International Rice Commission, adopted at Washington 15-29 Nov. 1948, as amended (Art. XI)	Multilateral	I: 1613 Vol. 418
23 Nov.[1]	Rome	Agreement for the establishment of Indo-Pacific Fisheries Council, adopted at Washington 15-29 Nov. 1948, as amended (Art. III)	Multilateral	I: 1615 Vol. 418

[1] The date and the place given here are those on which the Conference of the Food and Agriculture Organization of the United Nations approved the amendments to the instrument.

1962	*Place*	*Title and Clause*	*Contracting Parties*	*Treaty Series*
23 Feb.	Luxembourg	Treaty of friendship, establishment and navigation (Art. XVII)	United States/ Luxembourg	I:6868 Vol. 474
19 Mar.	Evian	*cf.* 1962, 3 July		
21 June	Paris	Air transport agreement (Art. 9)	Norway/Guinea	I:6738 Vol. 466
27 June	Copenhagen	Consular convention (Art. 36)	United Kingdom/ Denmark	I:8197 Vol. 562
29 June	Bonn	Agreement relating to air services (Art. VIII)	Norway/Liberia	I:6739 Vol. 466
3 July[1]	Paris and Rocher-Noir	Exchange of letters and declarations adopted on 19 March 1962 at the close of the Evian talks, constituting an agreement (declaration of principles relating to the settlement of disputes)	France/Algeria	I:7395 Vol. 507
14 Nov.	London	Treaty of commerce, establishment and navigation (Art. 31)	United Kingdom/ Japan	I:6934 Vol. 478
10 Dec.	New York (opened for signature)	Convention on consent to marriage, minimum age for marriage and registration of marriages (Art. 8)	Multilateral	I:7525 Vol. 521
1963				
8 Jan.	Seoul	Consular convention (Art. 16)	United States/ Republic of Korea	I:7211 Vol. 493
24 Apr.	Vienna	Optional protocol to the Vienna convention on consular relatons concerning the compulsory settlement of disputes	Multilateral	I:8640 Vol. 596
13 Aug.	Asunción	Agreement on trade and navigation (Art. XVI)	Belgium, Luxembourg, Netherlands/ Paraguay	I:8572 Vol. 592
14 Sep.	Tokyo	Convention on offences and certain other acts committed on board aircraft (Art. 24)	Multilateral	I:10106 Vol. 704
26 Oct.	Niamey	Act regarding navigation and economic co-operation between the States of the Niger Basin (Art. 7)	Multilateral	I:8506 Vol. 587
31 Oct.	Paris (opened for signature)	Protocol on privileges and immunities of the European Space Research Organization (Art. 29)	Multilateral	I:11473 Vol. 805

[1] The date and the places given here are those of the exchange of letters.

1963 (cont.)	Place	Title and Clause	Contracting Parties	Treaty Series
3 Dec.[1]	Rome	Agreement for the establishment of a General Fisheries Council for the Mediterranean, drawn up at Rome on 24 Sep. 1949, as amended (Art. XIII)	Multilateral	I:1691 Vol. 490
3 Dec.	Rome	Agreement for the establishment of a Commission for Controlling the Desert Locust in the Eastern Region of Its Distribution Area in South-West Asia (Art. XVII)	Multilateral	I:7663 Vol. 529
1964				
4 Feb.	Karachi	Agreement relating to scheduled air services (Art. XII, para. B, ii)	Pakistan Lebanon	I:8863 Vol. 614
4 May	Tokyo	Consular convention (Art. 39)	United Kingdom Japan	I:8179 Vol. 561
19 Sep.	Beirut	Agreement relating to air services (Art. XI)	India Lebanon	I:11820 Vol. 825
1965				
25 Jan.	Geneva	Convention on the registration of inland navigation vessels (Art. 20)	Multilateral	I:21114 Vol. 1281
18 Mar.	Washington (opened for signature)	Convention on the settlement of investment disputes between States and nationals of other States (Art. 64)	Multilateral	I:8359 Vol. 575
21 Apr.	Belgrade	Consular convention (Art. 45)	United Kingdom Yugoslavia	I:8620 Vol. 595
2 July	Rome	Agreement for establishment of a commission for controlling the desert locust in the Near East (Art. XVI)	Multilateral	I:8575 Vol. 592
7 July	London	Treaty for conciliation, judicial settlement and arbitration (Art. 14)	United Kingdom Switzerland	I:8765 Vol. 605
1966				
8 Feb.	Lomé	Treaty of amity and economic relations (Art. XIV)	United States Togo	I:9677 Vol. 680
15 Feb.	Geneva	Convention on the measurement of inland navigation vessels (Art. 14)	Multilateral	I:13899 Vol. 964
7 Mar.	New York (opened for signature)	International convention on the elimination of all forms of racial discrimination (Art. 22)	Multilateral	I:9464 Vol. 660

[1] The date and the place given here are those on which the Conference of the Food and Agriculture Organization of the United Nations approved the amendments to the Agreement.

1967	*Place*	*Title and Clause*	*Contracting Parties*	*Treaty Series*
31 Jan.	New York	Protocol relating to the status of refugees (Art. IV)	Multilateral	I:8791 Vol. 606
14 Feb.	Mexico City	Treaty for the prohibition of nuclear weapons in Latin America (Art. 24)	Multilateral	I:9068 Vol. 634
14 Mar.	Manila	Trade agreement (Art. IX)	Belgium, Luxembourg, Netherlands/ Philippines	I:12382 Vol. 863
24 May	Kabul	Agreement relating to air services (Art. IX)	Denmark/ Afghanistan	I:9951 Vol. 695
1 June	London	Convention on conduct of fishing operations in the North Atlantic (Art. 13)	Multilateral	I:15849 Vol. 1051
10 July	Paris	International agreement on the procedure for the establishment of tariffs for scheduled air services (Art. 4)	Multilateral	I:9971 Vol. 696
14 July[1]	Stockholm	Convention for the protection of industrial property signed at Paris on 20 March 1883, as revised (Art. 28)	Multilateral	I:11851 Vol. 828
1968				
23 Feb.	Brussels	Protocol amending the international convention for the unification of certain rules of law relating to bills of lading, signed at Brussels on 25 August 1925 (Art. 8)	Multilateral	I:23643 Vol. 1412
8 Nov.	Vienna	Convention on road traffic (Art. 52)	Multilateral	I:15705 Vol. 1042
8 Nov.	Vienna	Convention on road signs and signals (Art. 44)	Multilateral	I:16743 Vol. 1091
1969				
13 Feb.	Geneva	Agreement establishing the European Molecular Biology Conference (Art. VIII)	Multilateral	I:10462 Vol. 727
23 May	Vienna	Convention on the law of treaties (Art. 66)	Multilateral	I:18232 Vol. 1155
25 July	Boston	International health regulations (Art. 106)	Multilateral	I:10921 Vol. 764
2 Sep.	Washington	Consular convention (Art. 46)	Belgium/ United States	I:13178 Vol. 924
8 Sep.	Mexico City	Convention on the privileges and immunities of the Agency for the Prohibition of Nuclear Weapons in Latin America (Art. 7)	Multilateral	I:16545
30 Dec.	Belgrade	Consular convention (Art. 46)	Belgium/ Yugoslavia	I:13441 Vol. 943

[1] The date and the place given here are those of the signature of the revised Convention.

1970	*Place*	*Title and Clause*	*Contracting Parties*	*Treaty Series*
23 Apr.	Brussels	International convention on travel contracts (Art. 32, para. 2)	Multilateral	I: 21051 Vol. 1275
19 June	Washington	Treaty on patent co-operation (Art. 59)	Multilateral	I: 18336 Vol. 1160
1 Dec.	Rome	Agreement for the establishment of a commission for controlling the desert locust in North-West Africa (Art. XVI)	Multilateral	I: 11354 Vol. 797
16 Dec.	The Hague	Convention on the suppression of the unlawful seizure of aircraft (Art. 12, para. 1)	Multilateral	I: 12325 Vol. 860
1971				
21 Feb.	Vienna	Convention on psychotropic substances (Art. 31)	Multilateral	I: 14956 Vol. 1019
14 July	Brussels	Treaty of commerce (Art. 11)	Belgium, Luxembourg, Netherlands/ USSR	I: 12656 Vol. 883
17 July	Accra	Agreement for the provision of a special loan to the Government of the Republic of Ghana to facilitate the payment of medium term commercial debts (Art. VII)	United Kingdom/ Ghana	I: 11467 Vol. 805
24 July[1]	Paris	Convention for the protection of literary and artistic works signed at Berne on 9 September 1886, as revised (Art. 33)	Multilateral	I: 25986
24 July	Paris	Universal copyright convention, signed at Geneva on 6 September 1952, as revised (Art. XV)	Multilateral	I: 13444 Vol. 943
23 Sep.	Montreal	Convention for the suppression of unlawful acts against the safety of civil aviation (Art. 14)	Multilateral	I: 14118 Vol. 974
6 Oct.	Paris	Convention on the establishment of the International Institute for the Management of Technology (Art. 7)	Multilateral	I: 14566 Vol. 995
1972				
28 Apr.	Ankara	Consular convention (Art. 58)	Belgium/Turkey	I: 15142 Vol. 1029
16 May	Basle	European convention on State immunity (Art. 34)	Multilateral	I: 25699

[1] The date and the place given here are those of the signature of the revised Convention.

1973	*Place*	*Title and Clause*	*Contracting Parties*	*Treaty Series*
10 May	Geneva	Agreement establishing the European Molecular Biology Laboratory (Art. XII)	Multilateral	I: 13668 Vol. 954
12 June	The Hague	Protocol relating to refugee seamen (Art. II)	Multilateral	I: 13928 Vol. 965
22 June	Rome	Agreement for the establishment of a Regional Animal Production and Health Commission for Asia, the Far East and the South-West Pacific (Art. XX)	Multilateral	I: 14604 Vol. 997
5 Oct.	Munich	Convention on the grant of European patents (Art. 173)	Multilateral	I: 16208 Vol. 1065
19 Nov.	Montevideo	Treaty of the La Plata River and its maritime limits (Art. 87)	Uruguay/Argentina	I: 21424 Vol. 1295
30 Nov.	New York	International convention on the suppression and punishment of the crime of *apartheid* (Art. XII)	Multilateral	I: 14861 Vol. 1015
14 Dec.	New York	Convention on the prevention and punishment of crimes against internationally protected persons, including diplomatic agents (Art. 13)	Multilateral	I: 15410 Vol. 1035
1974				
19 Feb.	Madrid	Agreement on the delimitation of the continental shelf (Art. 3, para. 2)	Italy/Spain	I: 17429 Vol. 1120
22 Mar.	Helsinki	Convention on the protection of the marine environment of the Baltic Sea area (Art. 18, para. 2)	Multilateral	I: 18338 Vol. 1161
16 May	Khartoum	Agreement relating to the joint exploitation of the natural resources of the sea-bed and subsoil of the Red Sea in the common zone (Art. XVI)	Sudan/Saudi Arabia	I: 13605 Vol. 952
1975				
26 Feb.	Salto	Treaty concerning the status of the river Uruguay (Art. 60)	Uruguay/Argentina	I: 21425 Vol. 1295
8 Aug.	New York	Single convention on narcotic drugs, 1961, as amended (Art. 48)	Multilateral	I: 14152 Vol. 1976
1977				
24 May	Athens	Agreement on the delimitation of the respective continental shelves of the two States (Art. IV)	Greece/Italy	I: 21048 Vol. 1275

1978	*Place*	*Title and Clause*	*Contracting Parties*	*Treaty Series*
5 July	Geneva	Protocol to the convention on the contract for the international carriage of goods by road (CMR) (Art. 8)	Multilateral	I:19487 Vol. 1208
1979				
30 Mar.	Geneva	International agreement on olive oil (Art. 14, para. 2)	Multilateral	I:19674 Vol. 1219
10 May	Manila	Treaty of amity, commerce and navigation (Art. XV, para. 2)	Japan Philippines	I:20979 Vol. 1272
8 Apr.	Vienna	Constitution of the United Nations Industrial Development Organization (UNIDO) (Art. 22, para. 1 *(b)*)	Multilateral	I:23432 Vol. 1401
17 Dec.	New York	International convention against the taking of hostages (Art. 16, para. 1)	Multilateral	I:21931 Vol. 1316
18 Dec.	New York	Convention on the elimination of all forms of discrimination against women (Art.29)	Multilateral	I:20378 Vol. 1249
1980				
20 May	Canberra	Convention on the conservation of Antarctic marine living resources	Multilateral	I:22301 Vol. 1329
30 Oct.	Lima	General peace treaty (Arts. 31-36 and 39)	El Salvador Honduras	I:21856 Vol. 1310
1981				
23 Jan.	Cotonou	Agreement concerning technical co-operation (Art. XI)	Switzerland Benin	I:19804 Vol. 1226
1984				
10 Dec.	New York	Convention against torture and other cruel, inhuman or degrading treatment or punishment (Art. 30, para. 1)	Multilateral	I:24841
1985				
22 Mar.	Vienna	Vienna convention for the protection of the ozone layer (Art. 11)	Multilateral	I:26164
10 Dec.	New York	International convention against *apartheid* in sports (Art. 19)	Multilateral	I:25822
1986				
21 Mar.	Vienna	Vienna convention on the law of treaties between States and international organizations or between international organizations (Art. 66, para. 2)	Multilateral	
1988				
10 Mar.	Rome	Convention for the suppression of unlawful acts against the safety of maritime navigation (Art. 18, para. 1)	Multilateral	I:29004

1988 (cont.)	*Place*	*Title and Clause*	*Contracting Parties*	*Treaty Series*
20 Dec.	Vienna	United Nations convention against illicit traffic in narcotic drugs and psychotropic substances (Art. 32)	Multilateral	I:27627
1989				
4 Dec.	New York	International convention against the recruitment, use, financing and training of mercenaries (Art. 17, para. 1)	Multilateral	
1991				
25 Feb.	Espoo	Convention on environmental impact assessment in a transboundary context (Art. 15, para. 2)	Multilateral	
1 Mar.	Montreal	Convention on the marking of plastic explosives for the purpose of detection (Art. XI, para. 1)	Multilateral	
1992				
17 March	Helsinki	Convention on the protection and use of transboundary watercourses and international lakes (Art. 22, para. 1)	Multilateral	
9 May	New York	United Nations framework convention on climate change	Multilateral	
5 June	Rio de Janeiro	Convention on biological diversity (Art. 27, para. 3)	Multilateral	
1993				
13 Jan.	Paris	Convention on the prohibition of the development, production, stockpiling and use of chemical weapons and on their destruction (Art. XIV, para. 2)	Multilateral	
1994				
14 June	Oslo	Protocol to the 1979 Convention on long-range transboundary air pollution on further reduction of sulphur emissions (Art. 9)	Multilateral	

CHAPTER V

FUNCTIONING AND PRACTICE OF THE COURT

In matters concerning its administration and procedure, the International Court of Justice applies Articles 21, 22 and 39-68 of its Statute and Articles 12, 19-31 and 38-109 of its Rules.

I. Seat

The seat of the Court is established at The Hague (Netherlands); this however, does not prevent the Court from sitting and exercising its functions elsewhere whenever the Court considers it desirable to do so (Statute, Art. 22, para. 1; Rules, Art. 55).

The Court occupies, in the Peace Palace at The Hague, the premises formerly occupied by the *Permanent Court of International Justice* as well as a new wing built at the expense of the Netherlands Government and inaugurated in 1978. An extension of that new wing as well as a number of newly constructed offices on the third floor of the Peace Palace were inaugurated in 1997.

An agreement of 21 February 1946 between the United Nations and the Carnegie Foundation, which is responsible for the administration of the Peace Palace, determines the conditions under which the Court uses these premises. The agreement was approved by the General Assembly of the United Nations in resolution 84 (I) of 11 December 1946. It provides for the payment to the Carnegie Foundation of an annual contribution (see Chap. VIII, p. 278, below).

II. Administration

1. The Presidency and the Committees of the Court

The President shall preside at all meetings of the Court; he shall direct the work and supervise the administration of the Court (Rules, Art. 12)[1].

Decisions which have to be taken by the Court on administrative matters are prepared by a Budgetary and Administrative Committee

[1] Occasionally the President is requested by third persons to undertake tasks outside the judicial work of the Court. These activities are described at the end of this chapter (pp. 162-163, below).

composed of the President, the Vice-President and six judges who are elected annually (at present Judges Bedjaoui, Guillaume, Shi, Fleischhauer, Vereshchetin and Kooijmans).

In 1967 the Court established a Committee on Relations. Its present members are Vice-President Weeramantry and Judges Ranjeva, Herczegh, Vereshchetin and Parra-Aranguren. This committee is responsible for preparing plans and programmes with a view to the wider dissemination of information on the work of the Court and the maintenance of its relations with other United Nations organs, the specialized agencies, and international bodies and conferences concerned with the codification and progressive development of international law.

In 1970 the Court established a Library Committee (at present Judges Shi, Koroma, Higgins, Kooijmans and Rezek) to review the programme of acquisitions for the library of the Court and supervise the continuous modernization of its services.

In 1979 the Court constituted the Rules Committee as a standing body. Its members are at present Judges Oda, Guillaume, Fleischhauer, Koroma, Higgins and Rezek.

Each year, in application of Article 11 of the Staff Regulations for the Registry, which came into force in 1979, the Court elects a Judge and Alternate Judge for Staff Appeals. Judges Rezek and Higgins, respectively, hold these offices at present.

2. The Registry

The Registry is the administrative organ of the Court. Its role is defined by the Statute and the Rules (in particular Rules, Arts. 22-29). The organization of the Registry is prescribed by the Court on proposals submitted by the Registrar, and Instructions for the Registry are drawn up by the Registrar and approved by the Court (Rules, Art. 28, paras. 2 and 3). The instructions drawn up in October 1946 were amended in March 1947 and September 1949 (*I.C.J. Yearbook 1946-1947*, pp. 72-87; *I.C.J. Yearbook 1949-1950*, p. 24).

(a) *The Registrar and the Deputy-Registrar*

The Court appoints its Registrar from among candidates proposed by Members of the Court; he is elected for a term of seven years and may be re-elected (Statute, Art. 21, para. 2; Rules, Art. 22). The Court also appoints a Deputy-Registrar, under the same conditions and in the same way as the Registrar (Rules, Art. 23).

The general functions of the Registrar are defined by the Rules of Court (Art. 26) and the Instructions for the Registry (Art. 1). Under the Instructions: "the Registrar is responsible for all departments of the Registry. The Staff is under his control and he alone is authorized to direct the work of the Registry, of which he is the Head." He is assisted

by the Deputy-Registrar and, in the event of his absence, is replaced by the Deputy-Registrar or, failing him, an official of the Registry appointed by the President (Rules, Art. 27; Instructions for the Registry, Arts. 2 and 42).

The present Registrar is Mr. Eduardo Valencia-Ospina, of Colombian nationality, who was elected on 19 February 1987 and re-elected on 15 February 1994 for a term of 7 years, as from 19 February 1994. He was previously the Court's Deputy-Registrar (1984-1987) and before that had served as the senior legal officer of the Codification Division at the Office of Legal Affairs in the United Nations Secretariat.

On 15 February 1994 the Court elected Mr. Jean-Jacques Arnaldez to the post of Deputy-Registrar for a term of 7 years, as from 19 February 1994. Mr. Arnaldez, who is of French nationality, was previously Legal Counsel in a Paris international law firm (1977-1982) and Counsel in the International Court of Arbitration of the International Chamber of Commerce (ICC) in Paris (1982-1994).

Previous Registrars of the Court were E. Hambro (1946-1953), J. López-Oliván (1953-1960), J. Garnier-Coignet (1960-1966), S. Aquarone (1966-1980) and S. Torres Bernárdez (1980-1986). Previous Deputy-Registrars were J. Garnier-Coignet (1946-1960), S. Aquarone (1960-1966), W. Tait (1966-1976), A. Pillepich (1977-1984), E. Valencia-Ospina (1984-1987), and B. Noble (1987-1994).

(b) *Departments of the Registry*

The officials of the Registry are appointed by the Court on proposals submitted by the Registrar (Statute, Art. 21, para. 2; Rules, Art. 25). General Service category and temporary staff, however, are appointed by the Registrar (Rules, Art. 25; Staff Regulations for the Registry, Art. 5; Instructions for the Registry, Art. 4).

All officials of the Registry, whether permanent or temporary, must be proficient in English and French and those whose work involves linguistic responsibilities must have one of these languages as their first language.

The following table gives a list of officials employed by the Registry (both on a permanent basis and under fixed-term contracts) as at 31 July 1997, showing the posts they occupy with references, where appropriate, to the articles of the Instructions for the Registry in which their duties are defined.

	Date of assumption of duties	*Nationality*
Secretaries of the Court (Art. 43)		
Principal Legal Secretary		
Ph. Couvreur	13 April 1982	Belgian

First Secretaries

Ms F. Meadows	1 January 1995	British
A. Brouillet In charge of linguistic matters	13 June 1988	French

Secretary

A. Th. Witteveen In charge of information matters	15 July 1975	Dutch

Linguistic Staff

Mrs. J. E. Bouri	1 July 1986	British
F. Mengin	5 May 1986	French
Mrs. C. Morgan	6 May 1997	British
Mrs. D. M. Pierfederici	1 January 1994	French

Legal Officers

J.-P. Isselé	5 April 1988	French
F. Ouguergouz	1 February 1995	Algerian
E. Ward	1 January 1996	American

Administrative Assistants

Miss M. D. Donnelly	1 January 1985	British
Mrs. M. Steenbergen	9 April 1996	Belgian
Mrs. A. M. Curvers	1 September 1996	Belgian

Establishment (Arts. 54-66)

M. Mendella Accountant Establishment Officer, Head of Department	1 April 1986	Canadian
Mrs. S. Claesson-Bley	1 January 1996	Swedish
C. Uriot	1 March 1981	Dutch
B. J. van Veen	1 March 1982	Dutch
T. Komnenović	1 August 1973	Yugoslav
H. Laeijendecker	1 January 1994	Dutch

Telephonists-Receptionists

Mrs. J. Koot-Jager	1 March 1978	Dutch
Mrs. E. Keijman	1 April 1978	Dutch

Messengers

I. J. van der Meer Co-ordinator	1 June 1980	Dutch
F. Koch	1 September 1985	Dutch
D. Driessen	1 April 1982	Dutch

Security Guards

R. Pijl	1 January 1990	Dutch
Mrs. M. Buan	1 October 1991	Dutch

Shorthand and Typewriting Department (Art. 53)

Mrs. N. Juszezak Head of Department	1 January 1979	French
Mrs. C. Blom-Rakoto	5 September 1983	French and Malagasy
Mrs. D. Roodbol-Sourisseau	1 January 1990	French
Mrs. N. Barnes	1 January 1996	British
G. D'Olivo	4 February 1982	Italian and Dutch
E. van Heeswijk	16 August 1993	Dutch

Judges' Secretaries

Mrs. M. de Meyier Co-ordinator	1 January 1982	French and Dutch
Miss W. Ch. Deelder	1 July 1982	Dutch
Mrs. J. E. van Hamel-Newall	1 November 1985	British
Mrs. L. Speeleveld	1 January 1986	Belgian
Miss H. H. Muyen	1 June 1987	Dutch
Mrs. M. Cleary-Cogan	1 January 1990	British
Mrs. A. Rowland-Moore	1 January 1990	British
Miss M. Sullivan	1 January 1990	British
Mrs. D. Bloemendaal	1 April 1990	British
Mrs. J. Devisme	1 January 1986	French
Miss Ch. L. Kamers	8 March 1993	Dutch
Miss H. E. Jeffares	1 October 1993	Irish
Mrs. M.-F. Teven	1 February 1995	French

Archives (Arts. 44-52)

S. R. S. Bedi Head of Department	16 September 1985	Indian
P. Ferreira	1 December 1995	Portuguese
D. van Rooy	16 April 1975	Dutch
M. Sow	1 August 1985	Senegalese

Printing Department (Arts. 67-69)

P. Vio Head of Department	1 June 1974	Italian
S. H. Herd	1 August 1987	British

Documents Department (Arts. 70-73)

A. C. G. M. Eyffinger Librarian, Head of Department	1 February 1988	Dutch
Mrs. R. S. B. van Megen	13 August 1973	Dutch
M. Schiethart	1 January 1981	Dutch
G. Vooijs	1 January 1981	Dutch

(c) *Staff Regulations for the Registry*

Article 28, paragraph 4, of the Rules of Court states:

> "The staff of the Registry shall be subject to Staff Regulations drawn up by the Registrar, so far as possible in conformity with the United Nations Staff Regulations and Staff Rules, and approved by the Court."

On 7 March 1979 the Court adopted new Staff Regulations for the Registry, which are reproduced in Chapter VI of the *I.C.J. Yearbook 1978-1979* (pp. 127-131). In November 1987 these Staff Regulations were amended (see *I.C.J. Yearbook 1988-1989*, pp. 163-164).

Before 1979 staff members of the Registry had been subject to Staff Regulations adopted by the President and approved by the Court in March 1947 in accordance with Article 18, paragraph 2, of the 1946 Rules of Court; these Staff Regulations had been amended in February and March 1950 and in June 1951 (see *I.C.J. Yearbook 1946-1947*, pp. 66-71; *I.C.J. Yearbook 1949-1950*, pp. 23-24; *I.C.J. Yearbook 1950-1951*, pp. 25-27).

(d) *Privileges and immunities*

In the Netherlands, in accordance with the terms of an exchange of letters, dated 26 June 1946, between the President of the Court and the Minister for Foreign Affairs of the Netherlands, the Registrar is, in a general way, accorded the same treatment as heads of diplomatic missions accredited to Her Majesty the Queen of the Netherlands, and officials of the Registry are treated as officials of comparable rank attached to diplomatic missions at The Hague (*I.C.J. Acts and Documents No. 5*, pp. 201-207).

By resolution 90 (I) of 11 December 1946 (*ibid.*, pp. 207-211) the General Assembly of the United Nations recommended that, on journeys in connection with the exercise of his functions, the Registrar should enjoy all the privileges, immunities and facilities granted to diplomatic envoys and that the officials of the Registry should, in the same circumstances, enjoy such privileges, immunities and facilities for residence and travel as may be necessary for the independent exercise of their functions.

This resolution also contains a recommendation calling upon Members of the United Nations to recognize and accept the United Nations laissez-

passer issued to the Registrar and officials of the Registry by the Court. Such laissez-passer have been issued since 1950. They are similar in form to those issued by the Secretary-General of the United Nations. They are signed by the President of the Court and by the Registrar.

3. Relations with the Public

(a) *Correspondence*

Article 26, paragraph 1 *(a)*, of the Rules of Court states that the Registrar shall "be the regular channel for communications to and from the Court".

Consequently, correspondence should be addressed to *The Registrar, International Court of Justice, Peace Palace, 2517 KJ The Hague, Netherlands* (telegraphic address: INTERCOURT THE HAGUE; Telex: 32323; Telefax (3170) 364 99 28). It should be written in either English or French[1].

A special issue of postage stamps is used by the Netherlands postal administration for the franking of correspondence from the Court.

The Court's telephone number is (3170) 302 23 23.

(b) *Access to the Court's library and archives*

The library of the Court is separate from the library of the Peace Palace, which is situated in the same building but is administered by the Carnegie Foundation. The relations between the two libraries were the subject of an exchange of notes dated 29 and 30 July 1946 (*I.C.J. Yearbook 1946-1947*, pp. 98-99). The public has access to the Peace Palace Library, but the library of the Court is private.

The Court's library keeps the archives of the Nuremberg *International Military Tribunal*, as entrusted to the Court pursuant to a decision of that Tribunal dated 1 October 1946. These archives, which relate solely to the trial of the major war criminals tried in 1945-1946, may be consulted on written application to the Registrar.

Neither the archives of the Court itself nor those of the *Permanent Court of International Justice* are open to the public (Rules, Art. 26, para. 1 *(n)*).

(c) *Information*

Article 26, paragraph 1 *(k)* and *(m)*, of the Rules of Court provides that the Registrar shall "deal with enquiries concerning the Court and its work" and "ensure that information concerning the Court and its activities is made accessible to governments, the highest national courts of justice, professional and learned societies, legal faculties and schools

[1] It is not possible for the Registry to give legal advice or to enter into correspondence with private persons concerning any matter at issue between them and the authorities of their own or another country.

of law, and public information media". For the purpose of carrying out this function, the Registrar is assisted by one of the Secretaries.

The Registrar arranges as he considers necessary for the publication of information concerning the composition, jurisdiction and work of the Court, and the cases before the Court[1].

The following documentation, issued separately in English and in French, is available free of charge on application to the Registry:

Press Communiqués;

Background Notes, of which four are available:

II and *II bis. Synopsis of cases referred to the International Court of Justice (1947-1969* and *1969-1976);*

IV. Note by the Registry indicating the Rules of Court amended on 10 May 1972;

V. Note by the Registry on the Revised Rules of Court (1978);

VI. Collected unofficial summaries of decisions concerning the law of the sea (1946-1986).

Also obtainable, from the Registry or United Nations Information Centres, are:

– a popular handbook on *The International Court of Justice*, published in Arabic, Chinese, English, French, Russian, Spanish and German editions, which is in particular distributed in the framework of the United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law;

– unofficial Arabic, Chinese, Russian and Spanish texts of the Rules of Court.

A film on the Court by the United Nations Department of Public Information is also available on application to that Department or to a United Nations Information Centre.

Groups often ask to visit the Registry and have the way the Court functions explained to them. So far as the work of the Court permits, the Registrar accedes to requests of this kind. During the period under review the Court received a great number of groups including diplomats, scholars and academics, judges and representatives of judicial authorities, lawyers and legal professionals, as well as others, amounting to some 3,500 persons in all.

Information on the assistance given members of the public and representatives of the press to help them follow the proceedings in cases before the Court will be found within the following section (pp. 156, 157, 161).

[1] These publications are distinct from the publications of the Court issued by the Registry: see below, Chap. VII, pp. 243-245.

III. Practice in Regard to Procedure[1]

1. General

(a) *Official languages*

The official languages of the Court are French and English (Statute, Art. 39; Rules, Arts. 51, 70 and 71).

(b) *Official communications*

In all cases submitted to the Court, communications and documents for the Court are delivered to the Registrar and he is the regular channel for communications or notifications from the Court (Rules, Art. 26, para. 1, and Art. 30; Instructions for the Registry, Arts. 3, 11 and 13).

Communications in a case which are intended for a State party thereto are sent to its agent at the Hague address it designates for the purpose (Rules, Art. 40, para. 1).

For communications with other States, the Registrar requests the foreign ministers of States entitled to appear before the Court to indicate the channel through which their governments would wish to receive such communications. The channel of communication indicated is usually the Embassy in The Hague or the Ministry of Foreign Affairs of the State in question.

For public international organizations, the Registrar addresses the communications of the Court to the Director-General or Secretary-General of the organization as the case may be.

(c) *Minutes*

The Registrar is present at all sittings and meetings of the Court and is responsible for drawing up the minutes. After being signed by the President and the Registrar, these minutes are filed in the archives

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[1] For decisions taken by the Court involving the application of its Statute and Rules in procedural matters, see *I.C.J. Yearbook 1962-1963*, pp. 91-137; *I.C.J. Yearbook 1963-1964*, pp. 99-109; *I.C.J. Yearbook 1964-1965*, pp. 87-88; *I.C.J. Yearbook 1965-1966*, pp. 91-92; *I.C.J. Yearbook 1966-1967*, p. 87; *I.C.J. Yearbook 1967-1968*, pp. 87-92; *I.C.J. Yearbook 1968-1969*, pp. 108-112; *I.C.J. Yearbook 1969-1970*, pp. 113-115; *I.C.J. Yearbook 1970-1971*, pp. 109-113; *I.C.J. Yearbook 1971-1972*, pp. 123-125; *I.C.J. Yearbook 1972-1973*, pp. 136-143; *I.C.J. Yearbook 1973-1974*, pp. 125-129; *I.C.J. Yearbook 1974-1975*, pp. 120-123; *I.C.J. Yearbook 1975-1976*, pp. 118-123; *I.C.J. Yearbook 1976-1977*, pp. 113-114; *I.C.J. Yearbook 1977-1978*, pp. 111-119; *I.C.J. Yearbook 1978-1979*, pp. 124-131; *I.C.J. Yearbook 1979-1980*, pp. 125-129; *I.C.J. Yearbook 1980-1981*, pp. 133-137; *I.C.J. Yearbook 1981-1982*, pp. 141-147; *I.C.J. Yearbook 1982-1983*, pp. 125-126; *I.C.J. Yearbook 1983-1984*, pp. 140-141; *I.C.J. Yearbook 1984-1985*, pp. 173-184; *I.C.J. Yearbook 1985-1986*, pp. 164-172; *I.C.J. Yearbook 1986-1987*, pp. 158-163; *I.C.J. Yearbook 1987-1988*, pp. 146-151; *I.C.J. Yearbook 1988-1989*, pp. 159-164; *I.C.J. Yearbook 1989-1990*, pp. 157-162; *I.C.J. Yearbook 1990-1991*, pp. 174-182; *I.C.J. Yearbook 1991-1992*, pp. 198-204; *I.C.J. Yearbook 1992-1993*, pp. 242-248; *I.C.J. Yearbook 1993-1994*, pp. 209-216; *I.C.J. Yearbook 1994-1995*, pp. 199-206; *I.C.J. Yearbook 1995-1996*, pp. 224-240; and pp. 197-202 in Chapter VI, below.

(Statute, Art. 47; Rules, Art. 21, Art. 26, para. 1 *(f)-(i)*, and Art. 71; Instructions for the Registry, Art. 19).

(d) *General List*

The Registrar prepares and keeps up to date a General List of cases submitted to the Court (Rules, Art. 26, para. 1 *(b)*, and Art. 38, para. 5; Instructions for the Registry, Art. 6, para. 1, and Art. 46, para. 3).

Extracts from the General List are supplied by the Registry on request, in the form of *Background Notes II* and *II bis: Synopsis of cases referred to the International Court of Justice (1947-1969* and *1969-1976)*.

(For the General List of the *Permanent Court of International Justice*, see *P.C.I.J., Series E, No. 16*, pp. 92-147.)

2. Procedure in Contentious Cases

(a) *Institution of proceedings and appointment of agents*

As soon as proceedings are instituted (see Chap. III, pp. 72-74, above), the special agreement or the application, filed in one of the two official languages of the Court, is translated and printed in a bilingual edition by the Registry, then communicated to all concerned and to the States entitled to appear before the Court (Statute, Art. 40; Rules, Art. 38, paras. 4 and 5; Art. 39, para. 1, and Art. 42).

The Registrar arranges for the publication of a communiqué informing the general public and the press that proceedings have been instituted. Copies of the special agreement or application may be obtained on request.

The party which files a document instituting proceedings informs the Court at the same time of the name of the agent who will be its representative in the proceedings and take steps on its behalf; the other party then appoints its agent as soon as possible (Statute, Art. 42; Rules, Art. 40). A party may also appoint a co-agent, a deputy-agent or an additional agent. Agents, and counsel and advocates also, enjoy such privileges and immunities as may be required for the independent exercise of their duties (Statute, Art. 42, para. 3; *I.C.J. Acts and Documents No. 5*, pp. 205 and 209).

The President, who is required to ascertain the views of the parties on questions of procedure, summons the agents to meet him as soon as possible after their appointment and whenever necessary thereafter (Rules, Art. 31).

(b) *Written proceedings*

The written proceedings comprise the filing of pleadings within time-limits fixed in orders made by the Court or, if it is not sitting, the

President; the pleadings are in principle confined to a Memorial and a Counter-Memorial, though the Court may if it thinks fit authorize or direct that there be a Reply and a Rejoinder (Statute, Art. 43; Rules, Arts. 44-46 and 48; Instructions for the Registry, Art. 14).

The party's submissions are set out in each pleading (Rules, Art. 49).

The agent of the party filing the pleading supplies the Registry (Statute, Art. 43, paras. 3 and 4; Rules, Arts. 50-52) with the following:

- an original copy of the pleading, signed by him, to which is annexed a certified copy of any relevant document adduced in support of the contentions put forward;
- an English or French translation, certified by him to be accurate, of any part of a pleading or annexed document submitted in another language;
- a copy, certified by him, of the pleading and annexed documents, for communication to the other party;
- 125 further copies of the pleading and annexed documents;
- in the case of any document of which only parts are relevant and only necessary extracts have been annexed to the pleading, a copy of the whole document.

The format for the pleadings and annexes is 19 × 26 cm. If they are submitted in printed form, which is not compulsory, it is recommended that the Court's Typographical Rules (supplied by the Registry on request) be complied with. If the composition is entrusted to one of the printers who work for the Court, so that it is not necessary to re-compose the texts when they come to be used in the Court's series *Pleadings, Oral Arguments, Documents* (see *(e)* below), the Court will at that stage reimburse half the cost, at the normal rate, of the composition of the pleading itself and of such annexes as are to be reproduced in the *Pleadings* series (but excluding any text in a language other than English or French or entirely reproduced from another printed pleading).

The Registry usually translates, for the judges, pleadings and annexed documents, filed in one of the official languages of the Court, into the other official language (Rules, Art. 26, para. 1 *(g)*).

The Registrar arranges for the publication of communiqués giving information concerning the course of the written proceedings. Moreover, the Court may, after ascertaining the views of the parties, communicate the pleadings on request to any State entitled to appear before the Court. It may also, after ascertaining the parties' views, make the pleadings available to the general public and the press on or after the opening of the oral proceedings (Rules, Art. 53); this is generally done by depositing copies in a number of Information Centres and libraries, including the Peace Palace Library. The pagination of the pleadings and annexed documents which may thus be made accessible is provisional in character. They are not given their final pagination until they are published in the *I.C.J. Pleadings* series (see *(e)* below).

(c) *Oral proceedings*

Upon the closure of the written proceedings, a case is ready for hearing. The opening date of the oral proceedings is fixed by the Court or, if it is not sitting, the President (Rules, Art. 54). Public sittings are held at the seat of the Court, usually from 10 a.m. to 1 p.m. on weekdays. They are devoted to hearing the arguments of counsel and such evidence of witnesses or experts as the parties may call; the Court itself may also arrange for a witness to be heard, entrust any individual, body or organization with the task of giving an expert opinion or decide on an inspection *in loco*[1] (Statute, Arts. 43-46 and 48-51; Rules, Arts. 57-68; Instructions for the Registry, Art. 20).

The Court settles the order in which the parties are heard, the number of counsel who will address the Court, and the method of handling the evidence (Rules, Art. 58, para. 2). It is customary for the parties to present their arguments in the order in which their pleadings have been deposited or, in the case of proceedings instituted by special agreement, in the order laid down by the Court after consultations with the agents of the parties. Speeches and statements are normally made in one of the Court's two official languages and are (simultaneously) interpreted into the other; arrangements may be made for some other language to be used (Statute, Art. 39; Rules, Art. 70; Instructions for the Registry, Art. 17).

When the Court or a judge puts a question to the agents, counsel and advocates, the answer may be given either immediately or within a time-limit fixed by the President; if given in writing it is communicated to the other party (Rules, Art. 61, paras. 2-4, and Art. 72).

A provisional verbatim record of each public sitting is drawn up by the Registry in the official language used, and translated into the other; copies in the original official language are then communicated to the parties

[1] In the *Corfu Channel (United Kingdom* v. *Albania)* case, the Court heard witnesses and experts presented by each of the Parties, appointed experts by Order and prescribed an enquiry on the spot. In the *Temple of Preah Vihear (Cambodia* v. *Thailand)* case, it heard witnesses and experts presented by each of the Parties. In the *South West Africa (Ethiopia* v. *South Africa; Liberia* v. *South Africa)* cases, it heard witnesses and experts presented by one Party, but did not accede to a request concerning an inspection *in loco*. In *Continental Shelf (Tunisia/Libyan Arab Jamahiriya)*, it heard an expert presented by one Party. The Chamber constituted in the *Delimitation of the Maritime Boundary in the Gulf of Maine Area (Canada/United States of America)* case heard an expert presented by one Party and itself appointed, by Order, at the request of the Parties and in accordance with the Special Agreement concluded between them, a technical expert to assist it in its work. In the case concerning the *Continental Shelf (Libyan Arab Jamahiriya/Malta)*, the Court heard experts presented by each of the Parties. In the case concerning *Military and Paramilitary Activities in and against Nicaragua (Nicaragua* v. *United States of America)* it heard witnesses presented by one Party. The Chamber constituted in the case concerning *Elettronica Sicula S.p.A. (ELSI) (United States of America* v. *Italy)* heard witnesses presented by one of the Parties and experts presented by each of them. In the case concerning the *Land, Island and Maritime Frontier Dispute (El Salvador/Honduras: Nicaragua intervening)* the Court heard a witness presented by one of the Parties, but did not accede to a request concerning an inspection *in loco*. The Court did pay a visit to the site of the hydroelectric dam project at Gabčikovo-Nagymaros in the case concerning *Gabčikovo-Nagymaros Project (Hungary/Slovakia)*.

and to the witnesses and experts in order that mistakes may be corrected under the supervision of the Court (Statute, Art. 47; Rules, Art. 71). A period of 24 hours is usually allowed for the submission of corrections.

In the course of the hearings each party reads out its final submissions and hands the Registrar copies of the text (Rules, Art. 60, para. 2). The filing of new documents after closure of the written proceedings is permissible only with the other party's consent or the authorization of the Court; such documents must be filed in the same number of copies as the pleadings (see *(b)* above); the Registrar transmits them to the other party with a request for observations. No reference may be made to the contents of any document which has not been duly produced, unless the document is part of a publication readily available (Statute, Art. 52; Rules, Art. 56).

The Registrar issues communiqués giving all necessary information as to the dates of the hearings (Instructions for the Registry, Art. 12). Admission cards are issued to members of the diplomatic corps and to representatives of the press and also to any person who makes application either in writing or in person at the Peace Palace on the occasion of a hearing. Photographs may be taken before the opening of hearings. Filming for cinema or television purposes is, however, subject to special authorization. There is a Press Room within the Peace Palace, and also a Post Office where a number of telephones are available for the use of journalists. As soon as the provisional, uncorrected verbatim records of each hearing have been duplicated they are made available to representatives of the press, though neither the text nor the pagination is final at that stage (see *(c)* below).

(d) *Deliberations*

After the close of the oral proceedings, the Court withdraws to deliberate in private and to prepare a judgment. The deliberations of the Court are conducted *in camera* and remain confidential. This applies to all aspects of the deliberations, including the schedule of meetings (Statute, Arts. 54-55; Rules, Arts. 19-21; Instructions for the Registry, Art. 16).

The manner in which the Court conducts its deliberations is governed by a resolution concerning the internal judicial practice of the Court, the most recent version of which was adopted on 12 April 1976 (see *I.C.J. Acts and Documents No. 5*, pp. 165-173).

(e) *Judgment*

The judgment is read out at a public sitting for which similar arrangements are made as for a hearing in open court, in particular with regard to the admission of the public and the assistance provided to representatives of the press (see *(c)* above).

The judgment is prepared in both official languages, of which one is indicated as authoritative (Statute, Art. 39; Rules, Art. 96). If it does not represent in whole or in part the unanimous opinion of the judges, any judge is entitled to attach a dissenting or separate opinion, or a declaration which records his position without stating his reasons; the judgment indicates the names of the judges constituting the majority (Statute, Arts. 56-58; Rules, Arts. 94 and 95).

Three original copies of the judgment are signed by the President and the Registrar and are then sealed; one is placed in the archives of the Court and the others are handed to the parties (Rules, Art. 95, para. 3; Instructions for the Registry, Art. 21).

Immediately after the public reading, copies of a special duplicated *tirage* are placed at the disposal of the judges and the representatives of the parties. At the same time an unofficial communiqué summarizing the decision is issued on the authority of the Registrar.

As soon as possible, the printed text of the judgment becomes available as a separate fascicle in the *I.C.J. Reports* series, which is sent to States entitled to appear before the Court and is placed on sale. Subsequently, the documentation of the case is published in one or more printed volumes of the series entitled *I.C.J. Pleadings, Oral Arguments, Documents*. It is these printed texts (see Chap. VII, pp. 265-272, below) which should be used for all purposes of quotation or citation.

(f) *Expenses and costs*

The expenses of the Court, including amounts payable to witnesses or experts appearing at the instance of the Court (Rules, Art. 68; Instructions for the Registry, Art. 18), are borne out of the United Nations budget; if a party to a case does not contribute to the United Nations budget, the Court itself fixes the amount payable by that party as a contribution towards the expenses of the Court for the case (see Chap. VIII, p. 273, below).

Each party bears its own costs, unless the Court makes an order in favour of a party for the payment of the costs (Statute, Art. 64; Rules, Art. 95, para. 1, and Art. 97).

In addition, there exists a Secretary-General's Trust Fund to Assist States in the Settlement of Disputes through the International Court of Justice, established on 1 November 1989[1]. The Fund is designed to encourage States to settle their disputes peaceably by submitting them to the Court. To be eligible for funding, a State must be entitled to appear before the Court (see Chap. III, pp. 64-71, for an explanation of which States are so entitled) and demonstrate a need for financial assistance. In addition, the dispute must be submitted to the Court by Special Agreement.

[1] Cf. United Nations doc. A/44/PV.43 (1989).

3. Occasional Rules in Contentious Cases

(a) *Provisional measures*

The Court has the power to indicate provisional measures (Statute, Art. 41). A request for such measures is treated as a matter of urgency, and the Court's decision is given in an order (Rules, Arts. 73-78)[1].

(b) *Joinder of proceedings*

The Court may direct that the proceedings in two or more cases be joined (Rules, Art. 47). It does this by means of an order[2].

(c) *Preliminary objections*

Preliminary objections (see Chap. III, p. 74, above) must be filed within the time-limit fixed for the filing of the Counter-Memorial (Rules, Art. 79). They suspend the proceedings on the merits and may be answered by the observations and submissions of the opposing party, to be filed within a time-limit fixed by an order. Oral proceedings on the objections ensue, the party which raised them being called upon to speak first. The Court gives its decision on the objections in a judgment; if it dismisses them, the proceedings on the merits are resumed from the point of interruption; they are likewise resumed if it declares that the objections do not possess an exclusively preliminary character[3]. The Court may also

[1] Such provisional measures have been requested in the following 19 cases: *Anglo-Iranian Oil Co. (United Kingdom* v. *Iran); Interhandel (Switzerland* v. *United States of America); Fisheries Jurisdiction (United Kingdom* v. *Iceland) (Federal Republic of Germany* v. *Iceland); Nuclear Tests (Australia* v. *France) (New Zealand* v. *France); Trial of Pakistani Prisoners of War (Pakistan* v. *India); Aegean Sea Continental Shelf (Greece* v. *Turkey); United States Diplomatic and Consular Staff in Tehran (United States of America* v. *Iran); Military and Paramilitary Activities in and against Nicaragua (Nicaragua* v. *United States of America); Frontier Dispute (Burkina Faso/Republic of Mali)* (case referred to a Chamber); *Border and Transborder Armed Actions (Nicaragua* v. *Honduras)* (in this case the request was withdrawn); *Arbitral Award of 31 July 1989 (Guinea-Bissau* v. *Senegal); Passage through the Great Belt (Finland* v. *Denmark); Questions of Interpretation and Application of the 1971 Montreal Convention arising from the Aerial Incident at Lockerbie (Libyan Arab Jamahiriya* v. *United Kingdom) (Libyan Arab Jamahiriya* v. *United States of America); Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosnia and Herzegovina* v. *Yugoslavia)* (in this case two requests were made by Bosnia and Herzegovina and one by Yugoslavia; *Land and Maritime Boundary between Cameroon and Nigeria (Cameroon* v. *Nigeria); Request for an Examination of the Situation in Accordance with Paragraph 63 of the Court's Judgment of 20 December 1974 in the Nuclear Tests* (New Zealand *v.* France) *Case.*

[2] Proceedings were joined in the following cases: *South West Africa (Ethiopia* v. *South Africa; Liberia* v. *South Africa); North Sea Continental Shelf (Federal Republic of Germany/Denmark; Federal Republic of Germany/Netherlands).*

[3] The Court gave its decision on the preliminary objections raised in the following 17 cases: *Corfu Channel (United Kingdom* v. *Albania); Ambatielos (Greece* v. *United Kingdom); Anglo-Iranian Oil Co. (United Kingdom* v. *Iran); Nottebohm (Liechtenstein* v. *Guatemala); Monetary Gold Removed from Rome in 1943 (Italy* v. *France, United Kingdom and United States of America); Certain Norwegian Loans (France* v. *Norway); Right of Passage over Indian*

give effect to an agreement between the parties that objections should be heard and determined within the framework of the merits[1].

(d) *Intervention, presentation of information*

A third State may request to be permitted to intervene if it considers that it has an interest of a legal nature which may be affected by the decision in the case; it is for the Court to decide upon such a request (Statute, Art. 62; Rules, Arts. 81 and 83-85)[2]. If the dispute relates to the construction of a convention to which States other than those concerned in the case are parties, these States are notified forthwith and have the right to intervene in the proceedings (Statute, Art. 63; Rules, Arts. 43, 82-84 and 86)[3].

Territory (Portugal v. *India); Interhandel (Switzerland* v. *United States of America); Aerial Incident of 27 July 1955 (Israel* v. *Bulgaria); Temple of Preah Vihear (Cambodia* v. *Thailand); South West Africa (Ethiopia* v. *South Africa; Liberia* v. *South Africa); Northern Cameroons (Cameroon* v. *United Kingdom); Barcelona Traction, Light and Power Company, Limited (New Application: 1962) (Belgium* v. *Spain); Elettronica Sicula S.p.A. (ELSI) (United States of America* v. *Italy); Certain Phosphate Lands in Nauru (Nauru* v. *Australia); Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosnia and Herzegovina* v. *Yugoslavia); Oil Platforms (Islamic Republic of Iran* v. *United States of America)*. Preliminary objections on which the Court will yet have to give a decision have also been raised in the pending case concerning the *Land and Maritime Boundary between Cameroon and Nigeria (Cameroon* v. *Nigeria)*. In other cases the Court was not called upon to give a decision on the preliminary objections, either because they were withdrawn (*Rights of Nationals of the United States of America in Morocco (France* v. *United States of America)*) or as the result of a discontinuance (*Aerial Incident of 27 July 1955 (United States of America* v. *Bulgaria); Barcelona Traction, Light and Power Company, Limited* (first application) (*Belgium* v. *Spain); Compagnie du Port, des Quais et des Entrepôts de Beyrouth and Société Radio-Orient (France* v. *Lebanon); Aerial Incident of 3 July 1988 (Islamic Republic of Iran* v. *United States of America)*). The Court also dealt with questions of jurisdiction or admissibility in the following 11 cases: *Appeal Relating to the Jurisdiction of the ICAO Council (India* v. *Pakistan); Fisheries Jurisdiction (United Kingdom* v. *Iceland) (Federal Republic of Germany* v. *Iceland); Nuclear Tests (Australia* v. *France) (New Zealand* v. *France); Aegean Sea Continental Shelf (Greece* v. *Turkey); United States Diplomatic and Consular Staff in Tehran (United States of America* v. *Iran); Military and Paramilitary Activities in and against Nicaragua (Nicaragua* v. *United States of America); Border and Transborder Armed Actions (Nicaragua* v. *Honduras); Maritime Delimitation and Territorial Questions between Qatar and Bahrain (Qatar* v. *Bahrain)*; and *East Timor (Portugal* v. *Australia)*. The Court has still to decide questions of jurisdiction and admissibility in the pending case concerning *Fisheries Jurisdiction (Spain* v. *Canada)*.

[1] This was done in the cases concerning *Elettronica Sicula S.p.A. (ELSI) (United States of America* v. *Italy)* and *East Timor (Portugal* v. *Australia)*. Preliminary objections were joined to the merits under the pre-1972 Rules of Court after agreement between the Parties in the case concerning *Certain Norwegian Loans (France* v. *Norway)* and by decision of the Court in the following two cases: *Right of Passage over Indian Territory (Portugal* v. *India); Barcelona Traction, Light and Power Company, Limited (New Application: 1962) (Belgium* v. *Spain)*.

[2] Permission to intervene was applied for in the *Nuclear Tests* cases (*Australia* v. *France*) (*New Zealand* v. *France*), in the cases concerning the *Continental Shelf (Tunisia/Libyan Arab Jamahiriya)* and the *Continental Shelf (Libyan Arab Jamahiriya/Malta)*; in the case concerning the *Land, Island and Maritime Frontier Dispute (El Salvador/Honduras)* and in the *Request for an Examination of the Situation in Accordance with Paragraph 63 of the Court's Judgment of 20 December 1974 in the* Nuclear Tests (New Zealand v. France) *Case*. In the last case, several States filed a document entitled "Application for Permission to Intervene under Article 62 Declaration of Intervention under Article 63".

[3] A third State intervened in the *Haya de la Torre (Colombia* v. *Peru)* case and a Declaration of Intervention was submitted in the case concerning *Military and Paramilitary Activities in and against Nicaragua (Nicaragua* v. *United States of America)*. (See also footnote 2 above.)

Similarly, public international organizations may, at the request of the Court or a party or on their own initiative, furnish the Court with information relevant to cases before it; whenever the construction of their constituent instruments or of a convention adopted thereunder is in question, they are notified (Statute, Art. 34, paras. 2 and 3; Rules, Art. 69).

(e) *Default, settlement, discontinuance*

If one of the parties does not appear before the Court or fails to defend its case, the other party may call upon the Court to decide in favour of its claim (Statute, Art. 53)[1].

The Court, or the President if the Court is not sitting, may, by way of an order, officially record the conclusion of a settlement or a discontinuance (Rules, Arts. 88 and 89)[2].

(f) *Execution, interpretation or revision of judgments*

The judgments of the Court are binding, final and without appeal (Charter, Art. 94, para. 1; Statute, Arts. 59-60; Rules, Art. 94, para. 2). The parties may, however, make a request for interpretation or, in certain circumstances, for revision of a judgment (see above, Chap. III, p. 75). The decision of the Court on such requests is given in the form of a judgment (Statute, Arts. 60-61; Rules, Arts. 98-100)[3,4].

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[1] A number of judgments and orders were delivered in the absence of one of the parties: *Corfu Channel (United Kingdom* v. *Albania)*, *Assessment of Amount of Compensation*; *Anglo-Iranian Oil Co. (United Kingdom* v. *Iran)*, *Interim Protection*; *Nottebohm (Liechtenstein* v. *Guatemala)*, *Preliminary Objection*; *Fisheries Jurisdiction (United Kingdom* v. *Iceland) (Federal Republic of Germany* v. *Iceland)*, *Interim Protection*, *Jurisdiction of the Court* and *Merits*; *Nuclear Tests (Australia* v. *France) (New Zealand* v. *France)*, *Interim Protection* and *Second Phase*; *Trial of Pakistani Prisoners of War (Pakistan* v. *India)*, *Interim Protection*; *Aegean Sea Continental Shelf (Greece* v. *Turkey)*, *Interim Protection* and *Jurisdiction of the Court*; *United States Diplomatic and Consular Staff in Tehran (United States of America* v. *Iran)*, *Provisional Measures* and *Merits*; *Military and Paramilitary Activities in and against Nicaragua (Nicaragua* v. *United States of America)*, *Merits*; *Maritime Delimitation and Territorial Questions between Qatar and Bahrain (Qatar* v. *Bahrain)*, *Jurisdiction and Admissibility*.

[2] The following 13 cases ended in discontinuance: *Protection of French Nationals and Protected Persons in Egypt (France* v. *Egypt)*; *Electricité de Beyrouth Company (France* v. *Lebanon)*; *Aerial Incident of 27 July 1955 (United States of America* v. *Bulgaria) (United Kingdom* v. *Bulgaria)*; *Barcelona Traction, Light and Power Company, Limited (Belgium* v. *Spain)* (first application); *Compagnie du Port, des Quais et des Entrepôts de Beyrouth and Société Radio-Orient (France* v. *Lebanon)*; *Trial of Pakistani Prisoners of War (Pakistan* v. *India)*; *Border and Transborder Armed Actions (Nicaragua* v. *Costa Rica)*; *Border and Transborder Armed Actions (Nicaragua* v. *Honduras)*; *Passage through the Great Belt (Finland* v. *Denmark)*; *Certain Phosphate Lands in Nauru (Nauru* v. *Australia)*; *Maritime Delimitation between Guinea-Bissau and Senegal (Guinea-Bissau* v. *Senegal)*; *Aerial Incident of 3 July 1988 (Islamic Republic of Iran* v. *United States of America)*. Furthermore, the cases concerning *United States Diplomatic and Consular Staff in Tehran (United States of America* v. *Iran)* and *Military and Paramilitary Activities in and against Nicaragua (Nicaragua* v. *United States of America)* ended in discontinuance as regarded the question of reparation which the Judgment had left to be settled.

[3] The Court gave a decision on a request for interpretation of its Judgment in the *Asylum (Colombia/Peru)* case. See also p. 75, notes 1 and 2, above.

[4] The Court gave a decision on an application for revision and interpretation submitted by Tunisia in connection with its Judgment in the case concerning the *Continental Shelf (Tunisia/Libyan Arab Jamahiriya)*.

Article 94, paragraph 2, of the Charter of the United Nations states that, if any party to a case fails to perform the obligations incumbent upon it under a judgment, the other party may have recourse to the Security Council.

(g) *Special reference to the Court*

When a matter which has been the subject of proceedings before some other international body is brought before the Court, the provisions of the Statute and of the Rules apply (Rules, Art. 87)[1].

4. Procedure in Advisory Cases

In addition to the Rules of Court which are expressly applicable to proceedings in regard to advisory opinions, the Court is guided by the provisions which apply in contentious proceedings (Statute, Art. 68; Rules, Art. 102). It may thus be led to apply the articles of the Statute concerning judges *ad hoc* (see Chap. I, pp. 13-16, above).

The practical information given concerning the course of the procedure in contentious cases (see under 2, above) applies *mutatis mutandis* to the procedure in regard to advisory opinions, in particular as regards arrangements for the public and the representatives of the press.

(a) *Request*

Notice of a request for an advisory opinion (see Chap. III, pp. 75-76, above) is addressed to the Court by the Secretary-General of the United Nations or the chief administrative officer of the organization authorized to make the request; all documents likely to throw light upon the question are to be transmitted at the same time as the request or as soon as possible thereafter (Statute, Art. 65, para. 2; Rules, Art. 104).

Notice of the request for an advisory opinion is given to all States entitled to appear before the Court (Statute, Art. 66, para. 1).

In addition, the Court gives the States and international organizations considered likely to be able to furnish information on the question an opportunity to submit their views in writing or orally, or both (Statute, Art. 66, paras. 2-4).

(b) *Written and oral proceedings*

A request for an opinion usually gives rise to written proceedings followed by oral proceedings (Statute, Art. 66; Rules, Arts. 105 and 106).

In the case of urgency, the Court takes all necessary steps to accelerate the procedure (Rules, Art. 103)[2].

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[1] The Court was seised of an *Appeal Relating to the Jurisdiction of the ICAO Council (India v. Pakistan)* in the case of that name.

[2] The Court decided to accelerate the procedure in accordance with Article 103 of the Rules in the case concerning the *Applicability of the Obligation to Arbitrate under Section 21 of the United Nations Headquarters Agreement of 26 June 1947*.

(c) *Deliberations*

The deliberations are conducted in the same manner as in contentious cases (Rules, Arts. 19-21 and 107; resolution concerning the Internal Judicial Practice of the Court, Art. 10).

(d) *Advisory opinion*

The advisory opinion is read in open Court; if it does not represent in whole or in part the unanimous opinion of the judges, any judge is entitled to attach a dissenting or separate opinion, or a declaration which records his position without stating his reasons; the advisory opinion indicates the names of the judges constituting the majority (Statute, Art. 67; Rules, Arts. 107 and 108).

One of the original copies of the advisory opinion is transmitted to the body which made the request (Rules, Art. 109).

The opinions given by the Court are purely advisory in character. The body requesting the opinion may however be committed to accepting it as binding by the terms of the instrument under which it is authorized to request advisory opinions of the Court.

IV. Occasional Functions Entrusted to the President of the International Court of Justice

1. International Instruments Providing for Appointment of Arbitrators, etc.

There are many international instruments which provide that in certain eventualities the President of the Court may be requested by the contracting parties to appoint arbitrators, umpires, members of conciliation commissions, etc. Requests of this sort have always been acceded to.

States proposing to insert such a provision in a treaty may consult the President as to his willingness to accept such a task, and submit the draft provision to him. This frequently provides that, if the President is of the nationality of one of the parties to the dispute, the appointment should be made either by the Vice-President or by the senior Member of the Court not so disqualified.

Such a provision is found, for instance, in bilateral agreements relating to air transport, social security, reparations or guarantees, loans, technical co-operation and the protection of investments; in multilateral treaties; in conventions or agreements concerning the constitution, status or privileges and immunities of international organizations; and in agreements or contracts concluded between States and international organs.

2. Other Requests for Appointment of Arbitrators

The President of the Court is sometimes requested to appoint arbitrators under the terms of contracts concluded between a State and

a corporation or between corporations. Such requests are generally acceded to.

In such cases, too, the usual practice is to consult the President in advance and to submit the draft contract to him. It is usually provided that if the President is of the same nationality as one of the parties to the contract, the appointment should be made either by the Vice-President or by the senior Member of the Court not so disqualified.

3. Other Appointments

The President has also at times been requested by States or international organizations to appoint persons to fill other offices.

Such appointments are, for instance, provided for in texts such as Article 12 of the Protocol of 23 June 1953 for limiting and regulating the cultivation of the poppy plant, the production of, international and wholesale trade in, and use of opium, or Article 4 of the Regulations for the execution of the Convention of 14 May 1954 for the protection of cultural property in the event of armed conflict or, again, Rule 109.1 *(a)* of the Staff Rules of the United Nations and Regulation 9.1.1 of the Staff Regulations of the United Nations Educational, Scientific and Cultural Organization.

CHAPTER VI

WORK OF THE COURT IN 1996-1997

During the period under review the Court held 22 public sittings and a great number of private meetings. It delivered a Judgment on its jurisdiction in the case concerning *Oil Platforms (Islamic Republic of Iran* v. *United States of America)*; and made an Order concerning a visit *in situ* in the case concerning the *Gabčikovo-Nagymaros Project (Hungary/Slovakia)*.

The President of the Court made Orders concerning time-limits in the case concerning the *Maritime Delimitation and Territorial Questions between Qatar and Bahrain (Qatar* v. *Bahrain)* and in the case concerning *Oil Platforms (Islamic Republic of Iran* v. *United States of America)*.

I. Cases before the Court

1. Maritime Delimitation and Territorial Questions between Qatar and Bahrain (Qatar v. *Bahrain)*

On 8 July 1991, the Government of the State of Qatar filed in the Registry of the Court an Application instituting proceedings against the Government of the State of Bahrain

> "in respect of certain existing disputes between them relating to sovereignty over the Hawar islands, sovereign rights over the shoals of Dibal and Qit'at Jaradah, and the delimitation of the maritime areas of the two States".

Qatar claimed that its sovereignty over the Hawar islands was well founded on the basis of customary international law and applicable local practices and customs. It had therefore continuously opposed a decision announced by the British Government in 1939, during the time of the British presence in Bahrain and Qatar (which came to an end in 1971), that the islands belonged to Bahrain. This decision was, in the view of Qatar, invalid, beyond the power of the British in relation to the two States, and not binding on Qatar.

With regard to the shoals of Dibal and Qit'at Jaradah, a further decision of the British Government in 1947 to delimit the sea-bed boundary between Bahrain and Qatar purported to recognize that Bahrain had "sovereign rights" in the areas of those shoals. In that decision the view was expressed that the shoals should not be considered to be islands having territorial waters. Qatar had claimed and continued to claim that such sovereign rights as existed over the shoals belonged to Qatar; it also

considered however that these were shoals and not islands. Bahrain claimed in 1964 that Dibal and Qit'at Jaradah were islands possessing territorial waters, and belonged to Bahrain, a claim rejected by Qatar.

With regard to the delimitation of the maritime areas of the two States, in the letter informing the Rulers of Qatar and Bahrain of the 1947 decision it was stated that the British Government considered that the line divided "in accordance with equitable principles" the sea-bed between Qatar and Bahrain, and that it was a median line based generally on the configuration of the coastline of the Bahrain main island and the peninsula of Qatar. The letter further specified two exceptions. One concerned the status of the shoals; the other that of the Hawar islands.

Qatar stated that it did not oppose that part of the delimitation line which the British Government stated was based on the configuration of the coastlines of the two States and was determined in accordance with equitable principles. It had been rejecting and still rejected the claim made in 1964 by Bahrain (which had refused to accept the above-mentioned delimitation by the British Government) of a new line delimiting the sea-bed boundary of the two States. Qatar based its claims with respect to delimitation on customary international law and applicable local practices and customs.

The State of Qatar therefore requested the Court:

"I. To adjudge and declare in accordance with international law

(A) that the State of Qatar has sovereignty over the Hawar islands; and

(B) that the State of Qatar has sovereign rights over Dibal and Qit'at Jaradah shoals;

and

II. With due regard to the line dividing the sea-bed of the two States as described in the British decision of 23 December 1947, to draw in accordance with international law a single maritime boundary between the maritime areas of sea-bed, subsoil and superjacent waters appertaining respectively to the State of Qatar and the State of Bahrain."

In the Application, Qatar founded the jurisdiction of the Court upon certain agreements between the Parties stated to have been concluded in December 1987 and December 1990, the subject and scope of the commitment to jurisdiction being determined, according to Qatar, by a formula proposed by Bahrain to Qatar on 26 October 1988 and accepted by Qatar in December 1990.

By letters addressed to the Registrar of the Court on 14 July 1991 and 18 August 1991, Bahrain contested the basis of jurisdiction invoked by Qatar.

At a meeting held on 2 October 1991 to enable the President of the Court to ascertain their views, the Parties reached agreement as to the desirability of the proceedings being initially devoted to the questions of

the Court's jurisdiction to entertain the dispute and the admissibility of the Application. The President accordingly made, on 11 October 1991, an Order (*I.C.J. Reports 1991*, p. 50) deciding that the written proceedings should first be addressed to those questions; in the same Order he fixed the following time-limits in accordance with a further agreement reached between the Parties at the meeting of 2 October: 10 February 1992 for the Memorial of Qatar, and 11 June 1992 for the Counter-Memorial of Bahrain. The Memorial and Counter-Memorial were filed within the prescribed time-limits.

By an Order of 26 June 1992 (*I.C.J. Reports 1992*, p. 237), the Court, having ascertained the views of the Parties, directed that a Reply by the Applicant and a Rejoinder by the Respondent be filed on the questions of jurisdiction and admissibility. It fixed 28 September 1992 as the time-limit for the Reply of Qatar and 29 December 1992 for the Rejoinder of Bahrain. Both the Reply and the Rejoinder were filed within the prescribed time-limits.

Qatar chose Mr. José María Ruda and Bahrain Mr. Nicolas Valticos to sit as judges *ad hoc*. Following Mr. Ruda's death, Qatar chose Mr. Santiago Torres Bernárdez to sit as judge *ad hoc*.

Oral proceedings were held from 28 February to 11 March 1994. In the course of eight public sittings, the Court heard statements on behalf of Qatar and Bahrain. The Vice-President of the Court put questions to both the Parties.

At a public sitting held on 1 July 1994, the Court delivered a Judgment (*I.C.J. Reports 1994*, p. 112) by which it found that the exchanges of letters between the King of Saudi Arabia and the Amir of Qatar dated 19 and 21 December 1987, and between the King of Saudi Arabia and the Amir of Bahrain dated 19 and 26 December 1987, and the document headed "Minutes" and signed at Doha on 25 December 1990 by the Ministers for Foreign Affairs of Bahrain, Qatar and Saudi Arabia, were international agreements creating rights and obligations for the Parties; and that, by the terms of those agreements, the Parties had undertaken to submit to the Court the whole of the dispute between them, as circumscribed by the Bahraini formula. Having noted that it had before it only an Application from Qatar setting out that State's specific claims in connection with that formula, the Court decided to afford the Parties the opportunity to submit to it the whole of the dispute. It fixed 30 November 1994 as the time-limit within which the Parties were jointly or separately to take action to that end and reserved any other matters for subsequent decision.

Judge Shahabuddeen appended a declaration to the Judgment (*I.C.J. Reports 1994*, p. 129); Vice-President Schwebel and Judge *ad hoc* Valticos appended separate opinions (*ibid.*, pp. 130-131 and 132); and Judge Oda appended a dissenting opinion (*ibid.*, pp. 133-149).

On 30 November 1994, the date fixed in the Judgment of 1 July, the Court received from the Agent of Qatar a letter transmitting an "Act to comply with paragraphs (3) and (4) of the operative paragraph 41 of

the Judgment of the Court dated 1 July 1994". On the same day, the Court received a communication from the Agent of Bahrain, transmitting the text of a document entitled "Report of the State of Bahrain to the International Court of Justice on the attempt by the Parties to implement the Court's Judgment of 1st July, 1994".

In view of those communications, the Court resumed dealing with the case.

At a public sitting held on 15 February 1995, the Court delivered a Judgment on jurisdiction and admissibility (*I.C.J. Reports 1995*, p. 6) by which it found that it had jurisdiction to adjudicate upon the dispute submitted to it between the State of Qatar and the State of Bahrain and that the Application of the State of Qatar as formulated on 30 November 1994 was admissible.

Vice-President Schwebel, Judges Oda, Shahabuddeen and Koroma, and Judge *ad hoc* Valticos appended dissenting opinions to the Judgment (*I.C.J. Reports 1995*, pp. 27-39, 40-50, 51-66, 67-73 and 74-78).

Judge *ad hoc* Valticos resigned as of the end of the jurisdiction and admissibility phase of the proceedings.

By an Order of 28 April 1995 (*I.C.J. Reports 1995*, p. 83), the Court, having ascertained the views of Qatar and having given Bahrain an opportunity of stating its views, fixed 29 February 1996 as the time-limit for the filing by each of the Parties of a Memorial on the merits. On the request of Bahrain, and after the views of Qatar had been ascertained, the Court, by an Order of 1 February 1996 (*I.C.J. Reports 1996*, p. 6), extended that time-limit to 30 September 1996. The two Memorials were filed within the thus extended time-limit.

By an Order of 30 October 1996 (*I.C.J. Reports 1996*, p. 800), the President of the Court, taking into account the views of the Parties, fixed 31 December 1997 as the time-limit for the filing by each of the Parties of a Counter-Memorial on the merits.

As Judge *ad hoc* Valticos had resigned (see above, p. 16), Bahrain chose Mr. Mohamed Shahabuddeen to sit as judge *ad hoc*.

2, 3. Questions of Interpretation and Application of the 1971 Montreal Convention arising from the Aerial Incident at Lockerbie (Libyan Arab Jamahiriya v. *United Kingdom)* and *Questions of Interpretation and Application of the 1971 Montreal Convention arising from the Aerial Incident at Lockerbie (Libyan Arab Jamahiriya* v. *United States of America)*

On 3 March 1992 the Government of the Socialist People's Libyan Arab Jamahiriya filed in the Registry of the Court two separate Applications instituting proceedings against the Government of the United Kingdom of Great Britain and Northern Ireland and against the United States of America in respect of a dispute over the interpretation and application of the Montreal Convention of 23 September 1971, a

dispute arising from acts resulting in the aerial incident that occurred over Lockerbie, Scotland, on 21 December 1988.

In the Applications, Libya referred to the charging and indictment of two Libyan nationals by the Lord Advocate of Scotland and by a Grand Jury of the United States, respectively, with having caused a bomb to be placed aboard Pan Am flight 103. The bomb subsequently exploded, causing the aeroplane to crash, and all persons aboard were killed.

Libya pointed out that the acts alleged constituted an offence within the meaning of Article 1 of the Montreal Convention, which it claimed to be the only appropriate convention in force between the Parties, and claimed that it had fully complied with its own obligations under that instrument, Article 5 of which required a State to establish its own jurisdiction over alleged offenders present in its territory in the event of their non-extradition; there was no extradition treaty between Libya and the respective other Parties, and Libya was obliged under Article 7 of the Convention to submit the case to its competent authorities for the purpose of prosecution.

Libya contended that the United Kingdom and the United States were in breach of the Montreal Convention through rejection of its efforts to resolve the matter within the framework of international law, including the Convention itself, in that they were placing pressure upon Libya to surrender the two Libyan nationals for trial.

According to the Applications, it had not been possible to settle by negotiation the disputes that had thus arisen, neither had the Parties been able to agree upon the organization of an arbitration to hear the matter. The Libyan Arab Jamahiriya therefore submitted the disputes to the Court on the basis of Article 14, paragraph 1, of the Montreal Convention.

Libya requested the Court to adjudge and declare as follows:

(a) that Libya has fully complied with all of its obligations under the Montreal Convention;

(b) that the United Kingdom and the United States respectively have breached, and are continuing to breach, their legal obligations to Libya under Articles 5 (2), 5 (3), 7, 8 (2) and 11 of the Montreal Convention; and

(c) that the United Kingdom and the United States respectively are under a legal obligation immediately to cease and desist from such breaches and from the use of any and all force or threats against Libya, including the threat of force against Libya, and from all violations of the sovereignty, territorial integrity, and the political independence of Libya.

Later the same day, Libya made two separate requests to the Court to indicate forthwith the following provisional measures:

(a) to enjoin the United Kingdom and the United States respectively from taking any action against Libya calculated to coerce or compel Libya to surrender the accused individuals to any jurisdiction outside of Libya; and

(*b*) to ensure that no steps are taken that would prejudice in any way the rights of Libya with respect to the legal proceedings that are the subject of Libya's Applications.

In those requests Libya also requested the President, pending the meeting of the Court, to exercise the power conferred on him by Article 74, paragraph 4, of the Rules of Court, to call upon the Parties to act in such a way as to enable any Order the Court might make on Libya's request for provisional measures to have its appropriate effects.

By a letter of 6 March 1992, the Legal Adviser of the United States Department of State, referring to the specific request made by Libya under Article 74, paragraph 4, of the Rules of Court, in its request for the indication of provisional measures, stated *inter alia* that

> "taking into account both the absence of any concrete showing of urgency relating to the request and developments in the ongoing action by the Security Council and the Secretary-General in this matter . . . the action requested by Libya . . . is unnecessary and could be misconstrued".

Libya chose Mr. Ahmed S. El-Kosheri to sit as judge *ad hoc*.

At the opening of the hearings on the request for the indication of provisional measures, on 26 March 1992, the Vice-President of the Court, exercising the functions of the presidency in the case, referred to the request made by Libya under Article 74, paragraph 4, of the Rules of Court and stated that, after the most careful consideration of all the circumstances then known to him, he had come to the conclusion that it would not be appropriate for him to exercise the discretionary power conferred on the President by that provision. At five public sittings held on 26, 27 and 28 March 1992, both Parties in each of the two cases presented oral arguments on the request for the indication of provisional measures. A Member of the Court put questions to both Agents in each of the two cases and the Judge *ad hoc* put a question to the Agent of Libya.

At a public sitting held on 14 April 1992, the Court read the two Orders on the requests for indication of provisional measures filed by Libya (*I.C.J. Reports 1992*, pp. 3 and 114), in which it found that the circumstances of the cases were not such as to require the exercise of its power to indicate such measures.

Acting President Oda (*ibid.*, pp. 17-19 and 129-131) and Judge Ni (*ibid.*, pp. 20-23 and 132-135) each appended a declaration to the Orders of the Court; Judges Evensen, Tarassov, Guillaume and Aguilar-Mawdsley appended a joint declaration (*ibid.*, pp. 24-25 and 136-137). Judges Lachs (*ibid.*, pp. 26-27 and 138-139) and Shahabuddeen (*ibid.*, pp. 28-32 and 140-142) appended separate opinions; and Judges Bedjaoui (*ibid.*, pp. 33-49 and 143-159), Weeramantry (*ibid.*, pp. 50-71 and 160-181), Ranjeva (*ibid.*, pp. 72-77 and 182), Ajibola (*ibid.*, pp. 78-93 and 183-198) and Judge *ad hoc* El-Kosheri (*ibid.*, pp. 94-112 and 199-217) appended dissenting opinions to the Orders.

By Orders of 19 June 1992 (*ibid.*, pp. 231 and 234), the Court, taking into account that the length of time-limits had been agreed by the Parties at a meeting held on 5 June 1992 with the Vice-President of the Court, exercising the function of the presidency in the two cases, fixed 20 December 1993 as the time-limit for the filing of the Memorial of Libya and 20 June 1995 for the filing of the Counter-Memorials of the United Kingdom and the United States of America. The Memorial was filed within the prescribed time-limit.

On 16 and 20 June 1995 respectively the United Kingdom and the United States of America filed preliminary objections to the jurisdiction of the Court to entertain the Applications of the Libyan Arab Jamahiriya.

By virtue of Article 79, paragraph 3, of the Rules of Court, the proceedings on the merits are suspended when preliminary objections are filed; proceedings have then to be organized for the consideration of those preliminary objections in accordance with the provisions of that Article.

After a meeting had been held, on 9 September 1995, between the President of the Court and the Agents of the Parties to ascertain the latters' views, the Court, by Orders of 22 September 1995 (*I.C.J. Reports 1995*, pp. 282 and 285), fixed, in each case, 22 December 1995 as the time-limit within which the Libyan Arab Jamahiriya might present a written statement of its observations and submissions on the preliminary objections raised by the United Kingdom and the United States of America respectively. Libya filed such statements within the prescribed time-limits.

The Secretary-General of the International Civil Aviation Organization, which had, in accordance with Article 34, paragraph 3, of the Statute, been informed that the interpretation of the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aircraft, concluded in Montreal on 23 September 1971, was in issue in the two cases, and been communicated copies of the written proceedings, informed the Court that the Organization had "no observation to make for the time being", requesting, however, to be kept informed of the developments of the two cases, in order to determine whether it would be appropriate to submit observations at a later stage.

The public sittings to hear the oral arguments of the Parties on the preliminary objections raised by the United Kingdom and the United States of America respectively will open on 13 October 1997.

4. *Oil Platforms (Islamic Republic of Iran* v. *United States of America)*

On 2 November 1992 the Islamic Republic of Iran filed in the Registry of the Court an Application instituting proceedings against the United States of America with respect to the destruction of Iranian oil platforms.

The Islamic Republic founded the jurisdiction of the Court for the purposes of these proceedings on Article XXI (2) of the Treaty of Amity, Economic Relations and Consular Rights between the United States of America and Iran, signed at Tehran on 15 August 1955.

In its Application Iran alleged that the destruction caused by several warships of the United States Navy, on 19 October 1987 and 18 April 1988, to three offshore oil production complexes, owned and operated for commercial purposes by the National Iranian Oil Company, constituted a fundamental breach of various provisions of the Treaty of Amity and of international law. In this connection Iran referred in particular to Articles I and X(1) of the Treaty which provide respectively: "There shall be firm and enduring peace and sincere friendship between the United States of America and Iran", and "Between the territories of the two High Contracting Parties there shall be freedom of commerce and navigation".

The Islamic Republic accordingly requested the Court to adjudge and declare as follows:

"*(a)* that the Court has jurisdiction under the Treaty of Amity to entertain the dispute and to rule upon the claims submitted by the Islamic Republic;

(b) that in attacking and destroying the oil platforms referred to in the Application on 19 October 1987 and 18 April 1988, the United States breached its obligations to the Islamic Republic, *inter alia*, under Article I and X (1) of the Treaty of Amity and international law;

(c) that in adopting a patently hostile and threatening attitude towards the Islamic Republic that culminated in the attack and destruction of the Iranian oil platforms, the United States breached the object and purpose of the Treaty of Amity, including Articles I and X(1), and international law;

(d) that the United States is under an obligation to make reparations to the Islamic Republic for the violation of its international legal obligations in an amount to be determined by the Court at a subsequent stage of the proceedings. The Islamic Republic reserves the right to introduce and present to the Court in due course a precise evaluation of the reparations owed by the United States; and

(e) any other remedy the Court may deem appropriate."

By an Order of 4 December 1992 (*I.C.J. Reports 1992*, p. 763), the President of the Court, taking into account an agreement of the Parties, fixed 31 May 1993 as the time-limit for the filing of the Memorial of Iran and 30 November 1993 for the filing of the Counter-Memorial of the United States.

By an Order of 3 June 1993 (*I.C.J. Reports 1993*, p. 35), the President of the Court, upon the request of Iran and after the United States had indicated that it had no objection, extended those time-limits to 8 June and 16 December 1993, respectively. The Memorial was filed within the prescribed time-limit.

The Islamic Republic of Iran chose Mr. François Rigaux to sit as judge *ad hoc*.

On 16 December 1993, within the extended time-limit for filing the Counter-Memorial, the United States of America filed certain preliminary objections to the Court's jurisdiction. In accordance with the terms of Article 79, paragraph 3, of the Rules of Court, the proceedings on the merits were suspended; by an Order of 18 January 1994 (*I.C.J. Reports 1994*, p. 3), the Court fixed 1 July 1994 as the time-limit within which Iran could present a written statement of its observations and submissions on the objections. That written statement was filed within the prescribed time-limit.

Public sittings to hear the oral arguments of the Parties on the preliminary objection filed by the United States of America were held between 16 and 24 September 1996.

At a public sitting held on 12 December 1996, the Court delivered its Judgment on the preliminary objection (*I.C.J. Reports 1996*, p. 803), a summary of which is given below followed by the text of the operative paragraph:

Institution of proceedings and history of the case (paras. 1-11)

The Court began by outlining the history of the case as set out above. It recalled that the following final submissions were presented by the Parties with regard to the preliminary objection raised by the United States:

On behalf of the United States,

"The United States of America requests that the Court uphold the objection of the United States to the jurisdiction of the Court in the case concerning *Oil Platforms (Islamic Republic of Iran* v. *United States of America)*."

On behalf of Iran,

"In the light of the facts and arguments set out above, the Government of the Islamic Republic of Iran requests the Court to adjudge and declare:

1. That the preliminary objection of the United States is rejected in its entirety;
2. That, consequently, the Court has jurisdiction under Article XXI (2) of the Treaty of Amity to entertain the claims submitted by the Islamic Republic of Iran in its Application and Memorial as they relate to a dispute between the Parties as to the interpretation or application of the Treaty;
3. That, on a subsidiary basis in the event the preliminary objection is not rejected outright, it does not possess, in the circumstances of the case, an exclusively preliminary character within the meaning of Article 79 (7) of the Rules of Court; and
4. Any other remedy the Court may deem appropriate."

Article XXI, paragraph 2, of the Treaty of 1955 and the nature of the dispute (paras. 12-16)

After summarizing the arguments put forward by Iran in the Application and in the course of the subsequent proceedings, the Court concluded that Iran claimed only that Article I, Article IV, paragraph 1, and Article X, paragraph 1, of the Treaty of 1955 had been infringed by the United States and that the dispute thus brought into being fell within the jurisdiction of the Court pursuant to Article XXI, paragraph 2, of the same Treaty.

The United States for its part maintained that the Application of Iran bore no relation to the Treaty of 1955. It stressed that, as a consequence, the dispute that had arisen between itself and Iran did not fall within the provisions of Article XXI, paragraph 2, of the Treaty and deduced from this that the Court had to find that it lacked jurisdiction to deal with it.

The Court pointed out, to begin with, that the Parties did not contest that the Treaty of 1955 was in force at the date of the filing of the Application of Iran and was moreover still in force. The Court recalled that it had decided in 1980 that the Treaty of 1955 was applicable at that time (*United States Diplomatic and Consular Staff in Tehran, Judgment, I.C.J. Reports 1980*, p. 28, para. 54); and stressed that none of the circumstances brought to its knowledge in the instant case would cause it currently to depart from that view.

By the terms of Article XXI, paragraph 2, of that Treaty:

> "Any dispute between the High Contracting Parties as to the interpretation or application of the present Treaty, not satisfactorily adjusted by diplomacy, shall be submitted to the International Court of Justice, unless the High Contracting Parties agree to settlement by some other pacific means."

It was not contested that several of the conditions laid down by this text had been met in the instant case: a dispute had arisen between Iran and the United States; it had not been possible to adjust that dispute by diplomacy and the two States had not agreed "to settlement by some other pacific means" as contemplated by Article XXI. On the other hand, the Parties differed on the question whether the dispute between the two States with respect to the lawfulness of the actions carried out by the United States against the Iranian oil platforms was a dispute "as to the interpretation or application" of the Treaty of 1955. In order to answer that question, the Court could not limit itself to noting that one of the Parties maintained that such a dispute existed, and the other denied it. It had to ascertain whether the violations of the Treaty of 1955 pleaded by Iran did or did not fall within the provisions of the Treaty and whether, as a consequence, the dispute was one which the Court had jurisdiction *ratione materiae* to entertain, pursuant to Article XXI, paragraph 2.

Applicability of the Treaty of 1955 in the event of the use of force (paras 17-21)

The Court first dealt with the Respondent's argument that the Treaty of 1955 did not apply to questions concerning the use of force. In this perspective, the United States contended that, essentially, the dispute related to the lawfulness of actions by naval forces of the United States that "involved combat operations" and that there was simply no relationship between the wholly commercial and consular provisions of the Treaty and Iran's Application and Memorial, which focused exclusively on allegations of unlawful uses of armed force.

Iran maintained that the dispute that had arisen between the Parties concerned the interpretation or application of the Treaty of 1955. It therefore requested that the preliminary objection be rejected, or, on a subsidiary basis, if it was not rejected outright, that it should be regarded as not having an exclusively preliminary character within the meaning of Article 79, paragraph 7, of the Rules of Court.

The Court noted in the first place that the Treaty of 1955 contained no provision expressly excluding certain matters from the jurisdiction of the Court. It took the view that the Treaty of 1955 imposed on each of the Parties various obligations on a variety of matters. Any action by one of the Parties that was incompatible with those obligations was unlawful, regardless of the means by which it was brought about. A violation of the rights of one party under the Treaty by means of the use of force was as unlawful as would have been a violation by administrative decision or by any other means. Matters relating to the use of force were therefore not *per se* excluded from the reach of the Treaty of 1955. The arguments put forward on this point by the United States had therefore to be rejected.

Article I of the Treaty (paras. 22-31)

In the second place, the Parties differed as to the interpretation to be given to Article I, Article IV, paragraph 1, and Article X, paragraph 1, of the Treaty of 1955. According to Iran, the actions which it alleged against the United States were such as to constitute a breach of those provisions and the Court consequently had jurisdiction *ratione materiae* to entertain the Application. According to the United States, this was not the case.

Article I of the Treaty of 1955 provided that: "There shall be firm and enduring peace and sincere friendship between the United States . . . and Iran."

According to Iran this provision did not "merely formulate a recommendation or desire . . .. but imposed actual obligations on the Contracting Parties, obliging them to maintain long-lasting peaceful and friendly relations"; it would have imposed upon the Parties "the minimum requirement . . . to conduct themselves with regard to the other in

accordance with the principles and rules of general international law in the domain of peaceful and friendly relations".

The United States considered, on the contrary, that Iran read "far too much into Article I". That text, according to the Respondent, "contain[ed] no standards", but only constituted a "statement of aspiration". That interpretation was called for in the context and on account of the "purely commercial and consular" character of the Treaty.

The Court considered that the general formulation of Article I could not be interpreted in isolation from the object and purpose of the Treaty in which it was inserted. There were some Treaties of Friendship which contained not only a provision on the lines of that found in Article I but, in addition, clauses aimed at clarifying the conditions of application. However, this did not apply to the instant case. Article I was in fact inserted not into a treaty of that type, but into a treaty of "Amity, Economic Relations and Consular Rights" whose object was, according to the terms of the Preamble, the "encouraging [of] mutually beneficial trade and investments and closer economic intercourse generally" as well as "regulating consular relations" between the two States. The Treaty regulated the conditions of residence of nationals of one of the parties on the territory of the other (Art. II), the status of companies and access to the courts and arbitration (Art. III), safeguards for the nationals and companies of each of the contracting parties as well as their property and enterprises (Art. IV), the conditions for the purchase and sale of real property and protection of intellectual property (Art. V), the tax system (Art. VI), the system of transfers (Art. VII), customs duties and other import restrictions (Arts. VIII and IX), freedom of commerce and navigation (Arts. X and XI), and the rights and duties of Consuls (Arts. XII-XIX).

It followed that the object and purpose of the Treaty of 1955 was not to regulate peaceful and friendly relations between the two States in a general sense. Consequently, Article I could not be interpreted as incorporating into the Treaty all of the provisions of international law concerning such relations. Rather, by incorporating into the body of the Treaty the form of words used in Article I, the two States had intended to stress that peace and friendship constituted the precondition for a harmonious development of their commercial, financial and consular relations and that such a development would in turn reinforce that peace and that friendship. It follows that Article I had to be regarded as fixing an objective, in the light of which the other Treaty provisions were to be interpreted and applied. The Court further observed that it did not have before it any Iranian document in support of Iran's position. As for the United States documents introduced by the two Parties, they showed that at no time did the United States regard Article I as having the meaning currently given to it by the Applicant. Nor did the practice followed by the Parties in regard to the application of the Treaty lead to any different conclusions.

In the light of the foregoing, the Court considered that the objective

of peace and friendship proclaimed in Article I of the Treaty of 1955 was such as to throw light on the interpretation of the other Treaty provisions, and in particular of Articles IV and X. Article I was thus not without legal significance for such an interpretation, but could not, taken in isolation, be a basis for the jurisdiction of the Court.

Article IV, paragraph 1, of the Treaty (paras. 32-36)

Article IV, paragraph 1, of the Treaty of 1955 provided that:

> "Each High Contracting Party shall at all times accord fair and equitable treatment to nationals and companies of the other High Contracting Party, and to their property and enterprises; shall refrain from applying unreasonable or discriminatory measures that would impair their legally acquired rights and interests; and shall assure that their lawful contractual rights are afforded effective means of enforcement, in conformity with the applicable laws."

The Court, with regard to the arguments advanced by the Parties, observed that Article IV, paragraph 1, unlike the other paragraphs of the same Article, did not include any territorial limitation. It further pointed out that the detailed provisions of that paragraph concerned the treatment by each party of the nationals and companies of the other party, as well as their property and enterprises. Such provisions did not cover the relevant actions carried out by the United States against Iran. Article IV, paragraph 1, thus did not lay down any norms applicable to the instant case, and could not therefore form the basis of the Court's jurisdiction.

Article X, paragraph 1, of the Treaty (paras. 37-52)

Article X, paragraph 1, of the Treaty of 1955 read as follows: "Between the territories of the two High Contracting Parties there shall be freedom of commerce and navigation."

It had not been alleged by the Applicant that any military action had affected its freedom of navigation. Therefore, the question the Court had to decide, in order to determine its jurisdiction, was whether the actions of the United States complained of by Iran had the potential to affect "freedom of commerce" as guaranteed by the provision quoted above.

Iran had argued that Article X, paragraph 1, did not contemplate only maritime commerce, but commerce in general; while according to the United States the word "commerce" had to be understood as being confined to maritime commerce; as being confined to commerce between the United States and Iran; and as referring solely to the actual sale or exchange of goods.

Having regard to other indications in the Treaty of an intention of the parties to deal with trade and commerce in general, and taking into account the entire range of activities dealt with in the Treaty, the view

that the word "commerce" in Article X, paragraph 1, was confined to maritime commerce did not commend itself to the Court.

In the view of the Court, there was nothing to indicate that the parties to the Treaty had intended to use the word "commerce" in any sense different from that which it generally bore. The word "commerce", whether taken in its ordinary sense or in its legal meaning, at the domestic or international level, had a broader meaning than the mere reference to purchase and sale. The Court noted in this connection that the Treaty of 1955 dealt, in its general articles, with a wide variety of matters ancillary to trade and commerce, and referred to the *Oscar Chinn* case in which the expression "freedom of trade" had been seen by the Permanent Court as contemplating not only the purchase and sale of goods, but also industry, and in particular the transport business.

The Court further pointed out that it sought not in any event to overlook the fact that Article X, paragraph 1, of the Treaty of 1955 did not strictly speaking protect "commerce" but "*freedom* of commerce". Any act such as the destruction of goods destined to be exported, or capable of affecting their transport and their storage with a view to export, which impeded that "freedom", was thereby prohibited. The Court pointed out in this respect that the oil pumped from the platforms attacked in October 1987 passed from there by subsea line to the oil terminal on Lavan Island and that the Salman complex, object of the attack of April 1988, was also connected to the oil terminal on Lavan by subsea line.

The Court found that on the material currently before it, it was indeed not able to determine if and to what extent the destruction of the Iranian oil platforms had had an effect upon the export trade in Iranian oil; it noted nonetheless that their destruction had been capable of having such an effect and, consequently, of having an adverse effect upon the freedom of commerce as guaranteed by Article X, paragraph 1, of the Treaty of 1955. It followed that its lawfulness could be evaluated in relation to that paragraph.

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In the light of the foregoing, the Court concluded that there existed between the Parties a dispute as to the interpretation and the application of Article X, paragraph 1, of the Treaty of 1955; that this dispute fell within the scope of the compromissory clause in Article XXI, paragraph 2, of the Treaty; and that as a consequence the Court had jurisdiction to entertain this dispute.

The Court noted that since it had thus to reject the preliminary objection raised by the United States, the submissions whereby Iran had requested it, on a subsidiary basis, to find that the objection did not possess, in the circumstances of the case, an exclusively preliminary character, no longer had any object.

Operative paragraph (para. 55)

"For these reasons,

THE COURT,

(1) *Rejects*, by fourteen votes to two, the preliminary objection of the United States of America according to which the Treaty of 1955 does not provide any basis for the jurisdiction of the Court;

IN FAVOUR: *President* Bedjaoui; *Judges* Guillaume, Shahabuddeen, Weeramantry, Ranjeva, Herczegh, Shi, Fleischhauer, Koroma, Vereshchetin, Ferrari Bravo, Higgins, Parra-Aranguren; *Judge* ad hoc Rigaux;

AGAINST: *Vice-President* Schwebel; *Judge* Oda;

(2) *Finds*, by fourteen votes to two, that it has jurisdiction, on the basis of Article XXI, paragraph 2, of the Treaty of 1955, to entertain the claims made by the Islamic Republic of Iran under Article X, paragraph 1, of that Treaty.

IN FAVOUR: *President* Bedjaoui; *Judges* Guillaume, Shahabuddeen, Weeramantry, Ranjeva, Herczegh, Shi, Fleischhauer, Koroma, Vereshchetin, Ferrari Bravo, Higgins, Parra-Aranguren; *Judge* ad hoc Rigaux;

AGAINST: *Vice-President* Schwebel; *Judge* Oda."

*

Judges Shahabuddeen, Ranjeva, Higgins and Parra-Aranguren and Judge *ad hoc* Rigaux appended separate opinions to the Judgment of the Court (*I.C.J. Reports 1996*, pp. 822-841, 842-846, 847-861, 862-863 and 864-873); Vice-President Schwebel and Judge Oda appended dissenting opinions (*ibid.*, pp. 874-889 and 890-900).

*

By an Order of 16 December 1996 (*I.C.J. Reports 1996*, p. 902), the President of the Court, taking into account the agreement of the Parties, fixed 23 June 1997 as the time-limit for the filing of the Counter-Memorial of the United States of America. Within the time-limit thus fixed the United States filed the Counter-Memorial and a counter-claim, requesting the Court to adjudge and declare:

"1. That in attacking vessels, laying mines in the Gulf and otherwise engaging in military actions in 1987-1988 that were dangerous and detrimental to maritime commerce, the Islamic Republic of Iran breached its obligations to the United States under Article X of the 1955 Treaty, and

2. That the Islamic Republic of Iran is accordingly under an obligation to make full reparation to the United States for violating the 1955 Treaty in a form and amount to be determined by the Court at a subsequent stage of the proceedings."

5. Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosnia and Herzegovina v. *Yugoslavia)*

On 20 March 1993, the Republic of Bosnia and Herzegovina filed in the Registry of the Court an Application instituting proceedings against Yugoslavia "for violating the Genocide Convention".

The Application referred to several provisions of the Convention on the Prevention and Punishment of the Crime of Genocide of 9 December 1948, as well as of the Charter of the United Nations, which Bosnia and Herzegovina alleged were violated by Yugoslavia. It also referred in this respect to the four Geneva Conventions of 1949 and their Additional Protocol I of 1977, to the Hague Regulations on Land Warfare of 1907, and to the Universal Declaration of Human Rights.

The Application referred to Article IX of the Genocide Convention as the basis for the jurisdiction of the Court.

In the Application, Bosnia and Herzegovina requested the Court to adjudge and declare:

"*(a)* that Yugoslavia (Serbia and Montenegro) has breached, and is continuing to breach, its legal obligations toward the People and State of Bosnia and Herzegovina under Articles I, II *(a)*, II *(b)*, II *(c)*, II *(d)*, III *(a)*, III *(b)*, III *(c)*, III *(d)*, III *(e)*, IV and V of the Genocide Convention;

(b) that Yugoslavia (Serbia and Montenegro) has violated and is continuing to violate its legal obligations toward the People and State of Bosnia and Herzegovina under the four Geneva Conventions of 1949, their Additional Protocol I of 1977, the customary international laws of war including the Hague Regulations on Land Warfare of 1907, and other fundamental principles of international humanitarian law;

(c) that Yugoslavia (Serbia and Montenegro) has violated and continues to violate Articles 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 15, 16, 17, 18, 19, 20, 21, 22, 23, 25, 26 and 28 of the Universal Declaration of Human Rights with respect to the citizens of Bosnia and Herzegovina;

(d) that Yugoslavia (Serbia and Montenegro), in breach of its obligations under general and customary international law, has killed, murdered, wounded, raped, robbed, tortured, kidnapped, illegally detained, and exterminated the citizens of Bosnia and Herzegovina, and is continuing to do so;

(e) that in its treatment of the citizens of Bosnia and Herzegovina, Yugoslavia (Serbia and Montenegro) has violated, and is continuing to violate, its solemn obligations under Articles 1 (3), 55 and 56 of the United Nations Charter;

(f) that Yugoslavia (Serbia and Montenegro) has used and is continuing to use force and the threat of force against Bosnia and Herzegovina in violation of Articles 2 (1), 2 (2), 2 (3), 2 (4), and 33 (1), of the United Nations Charter;

(g) that Yugoslavia (Serbia and Montenegro), in breach of its obligations under general and customary international law, has used and is using force and the threat of force against Bosnia and Herzegovina;

(h) that Yugoslavia (Serbia and Montenegro), in breach of its obligations under general and customary international law, has violated and is violating the sovereignty of Bosnia and Herzegovina by:

- armed attacks against Bosnia and Herzegovina by air and land;
- aerial trespass into Bosnian airspace;
- efforts by direct and indirect means to coerce and intimidate the Government of Bosnia and Herzegovina;

(i) that Yugoslavia (Serbia and Montenegro), in breach of its obligations under general and customary international law, has intervened and is intervening in the internal affairs of Bosnia and Herzegovina;

(j) that Yugoslavia (Serbia and Montenegro), in recruiting, training, arming, equipping, financing, supplying and otherwise encouraging, supporting, aiding, and directing military and paramilitary actions in and against Bosnia and Herzegovina by means of its agents and surrogates, has violated and is violating its express charter and treaty obligations to Bosnia and Herzegovina and, in particular, its charter and treaty obligations under Article 2 (4) of the United Nations Charter, as well as its obligations under general and customary international law;

(k) that under the circumstances set forth above, Bosnia and Herzegovina has the sovereign right to defend Itself and its People under United Nations Charter Article 51 and customary international law, including by means of immediately obtaining military weapons, equipment, supplies and troops from other States;

(l) that under the circumstances set forth above, Bosnia and Herzegovina has the sovereign right under United Nations Charter Article 51 and customary international law to request the immediate assistance of any State to come to its defence, including by military means (weapons, equipment, supplies, troops, etc.);

(m) that Security Council resolution 713 (1991), imposing a weapons embargo upon the former Yugoslavia, must be construed in a manner that shall not impair the inherent right of individual or collective self-defence of Bosnia and Herzegovina under the terms of United Nations Charter Article 51 and the rules of customary international law;

(n) that all subsequent Security Council resolutions that refer to or reaffirm resolution 713 (1991) must be construed in a manner

that shall not impair the inherent right of individual or collective self-defence of Bosnia and Herzegovina under the terms of United Nations Charter Article 51 and the rules of customary international law;

(*o*) that Security Council resolution 713 (1991) and all subsequent Security Council resolutions referring thereto or reaffirming thereof must not be construed to impose an arms embargo upon Bosnia and Herzegovina, as required by Articles 24 (1) and 51 of the United Nations Charter and in accordance with the customary doctrine of *ultra vires*;

(*p*) that pursuant to the right of collective self-defence recognized by United Nations Charter Article 51, all other State parties to the Charter have the right to come to the immediate defence of Bosnia and Herzegovina – at its request – including by means of immediately providing It with weapons, military equipment and supplies, and armed forces (soldiers, sailors, air-people, etc.);

(*q*) that Yugoslavia (Serbia and Montenegro) and its agents and surrogates are under an obligation to cease and desist immediately from its breaches of the foregoing legal obligations, and is under a particular duty to cease and desist immediately:

- from its systematic practice of so-called 'ethnic cleansing' of the citizens and sovereign territory of Bosnia and Herzegovina;
- from the murder, summary execution, torture, rape, kidnapping, mayhem, wounding, physical and mental abuse, and detention of the citizens of Bosnia and Herzegovina;
- from the wanton devastation of villages, towns, districts, cities, and religious institutions in Bosnia and Herzegovina;
- from the bombardment of civilian population centres in Bosnia and Herzegovina, and especially its capital, Sarajevo;
- from continuing the siege of any civilian population centres in Bosnia and Herzegovina, and especially its capital, Sarajevo;
- from the starvation of the civilian population in Bosnia and Herzegovina;
- from the interruption of, interference with, or harassment of humanitarian relief supplies to the citizens of Bosnia and Herzegovina by the international community;
- from all use of force – whether direct or indirect, overt or covert – against Bosnia and Herzegovina, and from all threats of force against Bosnia and Herzegovina;
- from all violations of the sovereignty, territorial integrity or political independence of Bosnia and Herzegovina, including all intervention, direct or indirect, in the internal affairs of Bosnia and Herzegovina;

– from all support of any kind – including the provision of training, arms, ammunition, finances, supplies, assistance, direction or any other form of support – to any nation, group, organization, movement or individual engaged or planning to engage in military or paramilitary actions in or against Bosnia and Herzegovina.

(r) that Yugoslavia (Serbia and Montenegro) has an obligation to pay Bosnia and Herzegovina, in its own right and as *parens patriae* for its citizens, reparations for damages to persons and property as well as to the Bosnian economy and environment caused by the foregoing violations of international law in a sum to be determined by the Court. Bosnia and Herzegovina reserves the right to introduce to the Court a precise evaluation of the damages caused by Yugoslavia (Serbia and Montenegro)."

On the same day, the Government of Bosnia and Herzegovina, stating that:

> "The overriding objective of this Request is to prevent further loss of human life in Bosnia and Herzegovina",

and that:

> "The very lives, well-being, health, safety, physical, mental and bodily integrity, homes, property and personal possessions of hundreds of thousands of people in Bosnia and Herzegovina are right now at stake, hanging in the balance, awaiting the order of this Court",

filed a request for the indication of provisional measures under Article 41 of the Statute of the Court.

The provisional measures requested were as follows:

> "1. That Yugoslavia (Serbia and Montenegro), together with its agents and surrogates in Bosnia and elsewhere, must immediately cease and desist from all acts of genocide and genocidal acts against the People and State of Bosnia and Herzegovina, including but not limited to murder; summary executions; torture; rape; mayhem; so-called 'ethnic cleansing'; the wanton devastation of villages, towns, districts and cities; the siege of villages, towns, districts and cities; the starvation of the civilian population; the interruption of, interference with, or harassment of humanitarian relief supplies to the civilian population by the international community; the bombardment of civilian population centres; and the detention of civilians in concentration camps or otherwise.
>
> 2. That Yugoslavia (Serbia and Montenegro) must immediately cease and desist from providing, directly or indirectly, any type of support – including training, weapons, arms, ammunition, supplies, assistance, finances, direction or any other form of support – to any

nation, group, organization, movement, militia or individual engaged in or planning to engage in military or paramilitary activities in or against the People, State and Government of Bosnia and Herzegovina.

3. That Yugoslavia (Serbia and Montenegro) itself must immediately cease and desist from any and all types of military or paramilitary activities by its own officials, agents, surrogates, or forces in or against the People, State and Government of Bosnia and Herzegovina, and from any other use or threat of force in its relations with Bosnia and Herzegovina.

4. That under the current circumstances, the Government of Bosnia and Herzegovina has the right to seek and receive support from other States in order to defend Itself and its People, including by means of immediately obtaining military weapons, equipment and supplies.

5. That under the current circumstances, the Government of Bosnia and Herzegovina has the right to request the immediate assistance of any State to come to its defence, including by means of immediately providing weapons, military equipment and supplies, and armed forces (soldiers, sailors, airpeople, etc.).

6. That under the current circumstances, any State has the right to come to the immediate defence of Bosnia and Herzegovina – at its request – including by means of immediately providing weapons, military equipment and supplies, and armed forces (soldiers, sailors, and airpeople, etc.)."

Hearings on the request for the indication of provisional measures were held on 1 and 2 April 1993. At two public sittings the Court heard the oral observations of each of the Parties. A Member of the Court put a question to both Agents.

At a public sitting held on 8 April 1993, the President of the Court read out the Order on the request for provisional measures made by Bosnia and Herzegovina (*I.C.J. Reports 1993*, p. 3) by which the Court indicated, pending its final decision in the proceedings instituted on 20 March 1993 by the Republic of Bosnia and Herzegovina against the Federal Republic of Yugoslavia, the following provisional measures:

(a) The Government of the Federal Republic of Yugoslavia should immediately, in pursuance of its undertaking in the Convention on the Prevention and Punishment of the Crime of Genocide of 9 December 1948, take all measures within its power to prevent commission of the crime of genocide; and the Government of the Federal Republic of Yugoslavia should in particular ensure that any military, paramilitary or irregular armed units which may be directed or supported by it, as well as any organizations and persons which may be subject to its control, direction or influence, do not commit any acts of genocide, of conspiracy to commit genocide, of direct and public incitement to commit genocide, or of complicity in

genocide, whether directed against the Muslim population of Bosnia and Herzegovina or against any other national, ethnical, racial or religious group.

(b) The Government of the Federal Republic of Yugoslavia and the Government of the Republic of Bosnia and Herzegovina should not take any action and should ensure that no action is taken which may aggravate or extend the existing dispute over the prevention or punishment of the crime of genocide, or render it more difficult of solution.

Judge Tarassov appended a declaration to the Order (*ibid.*, pp. 26-27).

By an Order of 16 April 1993 (*I.C.J. Reports 1993*, p. 29), the President of the Court, taking into account an agreement of the Parties, fixed 15 October 1993 as the time-limit for the filing of the Memorial of Bosnia and Herzegovina and 15 April 1994 for the filing of the Counter-Memorial of Yugoslavia.

Bosnia and Herzegovina chose Mr. Elihu Lauterpacht and Yugoslavia Mr. Milenko Kreća to sit as judges *ad hoc*.

On 27 July 1993 the Republic of Bosnia and Herzegovina filed a second request for the indication of provisional measures, stating that:

> "This extraordinary step is being taken because the respondent has violated each and every one of the three measures of protection on behalf of Bosnia and Herzegovina that were indicated by this Court on 8 April 1993, to the grave detriment of both the People and State of Bosnia and Herzegovina. In addition to continuing its campaign of genocide against the Bosnian People – whether Muslim, Christian, Jew, Croat or Serb – the Respondent is now planning, preparing, conspiring to, proposing, and negotiating the partition, dismemberment, annexation and incorporation of the sovereign State of Bosnia and Herzegovina – a Member of the United Nations Organization – by means of genocide."

The provisional measures then requested were as follows:

> "1. That Yugoslavia (Serbia and Montenegro) must immediately cease and desist from providing, directly or indirectly, any type of support – including training, weapons, arms, ammunition, supplies, assistance, finances, direction or any other form of support – to any nation, group, organization, movement, military, militia or para-military force, irregular armed unit, or individual in Bosnia and Herzegovina for any reason or purpose whatsoever.
>
> 2. That Yugoslavia (Serbia and Montenegro) and all of its public officials – including and especially the President of Serbia, Mr. Slobodan Milosevic – must immediately cease and desist from any and all efforts, plans, plots, schemes, proposals or negotiations to partition, dismember, annex or incorporate the sovereign territory of Bosnia and Herzegovina.

3. That the annexation or incorporation of any sovereign territory of the Republic of Bosnia and Herzegovina by Yugoslavia (Serbia and Montenegro) by any means or for any reason shall be deemed illegal, null, and void *ab initio*.

4. That the Government of Bosnia and Herzegovina must have the means 'to prevent' the commission of acts of genocide against its own People as required by Article I of the Genocide Convention.

5. That all Contracting Parties to the Genocide Convention are obliged by Article I thereof 'to prevent' the commission of acts of genocide against the People and State of Bosnia and Herzegovina.

6. That the Government of Bosnia and Herzegovina must have the means to defend the People and State of Bosnia and Herzegovina from acts of genocide and partition and dismemberment by means of genocide.

7. That all Contracting Parties to the Genocide Convention have the obligation thereunder 'to prevent' acts of genocide, and partition and dismemberment by means of genocide, against the People and State of Bosnia and Herzegovina.

8. That in order to fulfil its obligations under the Genocide Convention under the current circumstances, the Government of Bosnia and Herzegovina must have the ability to obtain military weapons, equipment, and supplies from other Contracting Parties.

9. That in order to fulfil their obligations under the Genocide Convention under the current circumstances, all Contracting Parties thereto must have the ability to provide military weapons, equipment, supplies and armed forces (soldiers, sailors, airpeople) to the Government of Bosnia and Herzegovina at its request.

10. That United Nations Peacekeeping Forces in Bosnia and Herzegovina (i.e., UNPROFOR) must do all in their power to ensure the flow of humanitarian relief supplies to the Bosnian People through the Bosnian city of Tuzla."

On 5 August 1993 the President of the Court addressed a message to both Parties, referring to Article 74, paragraph 4, of the Rules of Court, which enables him, pending the meeting of the Court,

> "to call upon the parties to act in such a way as will enable any order the Court may make on the request for provisional measures to have its appropriate effects",

and stating:

> "I do now call upon the Parties so to act, and I stress that the provisional measures already indicated in the Order which the Court made after hearing the Parties, on 8 April 1993, still apply.
>
> Accordingly I call upon the Parties to take renewed note of the Court's Order and to take all and any measures that may be within

their power to prevent any commission, continuance, or encouragement of the heinous international crime of genocide."

On 10 August 1993 Yugoslavia filed a request, dated 9 August 1993, for the indication of provisional measures, whereby it requested the Court to indicate the following provisional measure:

"The Government of the so-called Republic of Bosnia and Herzegovina should immediately, in pursuance of its obligation under the Convention on the Prevention and Punishment of the Crime of Genocide of 9 December 1948, take all measures within its power to prevent commission of the crime of genocide against the Serb ethnic group."

The hearings concerning the further requests for the indication of provisional measures were held on 25 and 26 August 1993. In the course of two public sittings the Court heard statements from each of the Parties. Judges put questions to both Parties.

At a public sitting held on 13 September 1993, the President of the Court read out the Order concerning the further requests for the indication of provisional measures (*I.C.J. Reports 1993*, p. 325), by which the Court reaffirmed the provisional measures indicated in its order of 8 April 1993, which measures, the Court stated, should be immediately and effectively implemented.

Judge Oda appended a declaration to the Order (*I.C.J. Reports 1993*, pp. 351-352); Judges Shahabuddeen, Weeramantry and Ajibola and Judge *ad hoc* Lauterpacht appended separate opinions (*ibid.*, pp. 353-369, 370-389, 390-406 and 407-448); and Judge Tarassov and Judge *ad hoc* Kreća appended dissenting opinions (*ibid.*, pp. 449-452 and 453-465).

By an Order of 7 October 1993 (*I.C.J. Reports 1993*, p. 470), the Vice-President of the Court, at the request of Bosnia and Herzegovina and after Yugoslavia had expressed its opinion, extended to 15 April 1994 the time-limit for the filing of the Memorial of Bosnia and Herzegovina, and to 15 April 1995 the time-limit for the filing of the Counter-Memorial of Yugoslavia. The Memorial was filed within the prescribed time-limit.

By an Order of 21 March 1995 (*I.C.J. Reports 1995*, p. 80), the President of the Court, upon a request of the Agent of Yugoslavia and after the views of Bosnia and Herzegovina had been ascertained, extended to 30 June 1995 the time-limit for the filing of the Counter-Memorial of Yugoslavia.

On 26 June 1995, within the extended time-limit for the filing of its Counter-Memorial, Yugoslavia filed certain preliminary objections. The objections related, firstly, to the admissibility of the Application and, secondly, to the jurisdiction of the Court to deal with the case.

By virtue of Article 79, paragraph 3, of the Rules of Court, the proceedings on the merits are suspended when preliminary objections are filed; proceedings have then to be organized for the consideration of

those preliminary objections in accordance with the provision of that Article.

By an Order of 14 July 1995 (*I.C.J. Reports 1995*, p. 279), the President of the Court, taking into account the views expressed by the Parties, fixed 14 November 1995 as the time-limit within which the Republic of Bosnia and Herzegovina might present a written statement of its observations and submissions on the preliminary objections raised by the Federal Republic of Yugoslavia. Bosnia and Herzegovina filed such a statement within the prescribed time-limit.

Public sittings to hear the oral arguments of the Parties on the preliminary objection raised by Yugoslavia were held between 29 April and 3 May 1996.

At a public sitting held on 11 July 1996, the Court delivered its Judgment on the preliminary objections (*I.C.J. Reports 1996*, p. 595), by which it rejected the objections raised by Yugoslavia, finding that, on the basis of Article XI of the Convention on the Prevention and Punishment of the Crime of Genocide, it had jurisdiction; dismissed the additional basis of jurisdiction invoked by Bosnia and Herzegovina and found that the Application was admissible.

Judge Oda appended a declaration to the Judgment of the Court (*ibid.*, pp. 625-630); Judges Shi and Vereshchetin appended a joint declaration (*ibid.*, pp. 631-632); Judge *ad hoc* Lauterpacht also appended a declaration (*ibid.*, p. 633); Judges Shahabuddeen, Weeramantry and Parra-Aranguren appended separate opinions to the Judgment (*ibid.*, pp. 634-639, 640-655 and 656-657); Judge *ad hoc* Kreća appended a dissenting opinion (*ibid.*, pp. 658-795).

By an Order of 23 July 1996 (*I.C.J. Reports 1996*, p. 797), the President of the Court, taking into account the views expressed by the Parties, fixed 23 July 1997 as the time-limit for the filing of the Counter-Memorial of Yugoslavia. The Counter-Memorial was filed within the prescribed time-limit. It included counter-claims, by which Yugoslavia requested the Court to adjudge and declare:

> "3. Bosnia and Herzegovina is responsible for the acts of genocide committed against the Serbs in Bosnia and Herzegovina and for other violations of the obligations established by the 1948 Convention on the Prevention and Punishment of the Crime of Genocide:
>
> – because it has incited acts of genocide by the 'Islamic Declaration', and in particular by the position contained in it that 'there can be no peace or coexistence between "Islamic faith" and "non-Islamic" social and political institutions';
> – because it has incited acts of genocide by the *Novi Vox*, paper of the Muslim youth, and in particular by the verses of a 'Patriotic Song' which reads as follows:
>
> 'Dear mother, I'm going to plant willows,
> We'll hang Serbs from them.

Dear mother, I'm going to sharpen knives,
We'll soon fill pits again';

- because it has incited acts of genocide by the paper *Zmaj od Bosne*, and in particular by the sentence in an article published in it that 'Each Muslim must name a Serb and take oath to kill him';
- because public calls for the execution of Serbs were broadcast on radio 'Hajat' and thereby acts of genocide were incited;
- because the armed forces of Bosnia and Herzegovina, as well as other organs of Bosnia and Herzegovina have committed acts of genocide and other acts prohibited by the 1948 Convention on the Prevention and Punishment of the Crime of Genocide, against the Serbs in Bosnia and Herzegovina, which have been stated in Chapter Seven of the Counter-Memorial;
- because Bosnia and Herzegovina has not prevented the acts of genocide and other acts prohibited by the 1948 Convention on the Prevention and Punishment of the Crime of Genocide, against the Serbs on its territory, which have been stated in Chapter Seven of the Counter-Memorial.

4. Bosnia and Herzegovina has the obligation to punish the persons held responsible for the acts of genocide and other acts prohibited by the 1948 Convention on the Prevention and Punishment of the Crime of Genocide.

5. Bosnia and Herzegovina is bound to take necessary measures so that the said acts would not be repeated in the future.

6. Bosnia and Herzegovina is bound to eliminate all consequences of the violation of the obligations established by the 1948 Convention on the Prevention and Punishment of the Crime of Genocide and provide adequate compensation."

6. Gabčikovo-Nagymaros Project (Hungary/Slovakia)

On 23 October 1992 the Ambassador of the Republic of Hungary to the Netherlands filed in the Registry of the Court an Application instituting proceedings against the Czech and Slovak Federal Republic in a dispute concerning the projected diversion of the Danube. In that document the Hungarian Government, before detailing its case, invited the Czech and Slovak Federal Republic to accept the jurisdiction of the Court.

A copy of the Application was transmitted to the Government of the Czech and Slovak Federal Republic in accordance with Article 38, paragraph 5, of the Rules of Court, which reads as follows:

"When the Applicant State proposes to found the jurisdiction of the Court upon a consent thereto yet to be given or manifested by the State against which such application is made, the application shall be transmitted to that State. It shall not however be entered in

the General List, nor any action be taken in the proceedings, unless and until the State against which such application is made consents to the Court's jurisdiction for the purposes of the case."

Following negotiations under the aegis of the European Communities between Hungary and the Czech and Slovak Federal Republic, which dissolved into two separate States on 1 January 1993, the Governments of the Republic of Hungary and of the Slovak Republic notified jointly, on 2 July 1993, to the Registrar of the Court a Special Agreement, signed at Brussels on 7 April 1993, for the submission to the Court of certain issues arising out of differences which had existed between the Republic of Hungary and the Czech and Slovak Federal Republic, regarding the implementation and the termination of the Budapest Treaty of 16 September 1977 on the Construction and Operation of the Gabčikovo-Nagymaros Barrage System and on the construction and operation of the "provisional solution". The Special Agreement records that the Slovak Republic is in this respect the sole successor State of the Czech and Slovak Federal Republic.

In Article 2 of the Special Agreement:

"(1) The Court is requested to decide on the basis of the Treaty and rules and principles of general international law, as well as such other treaties as the Court may find applicable,

(*a*) whether the Republic of Hungary was entitled to suspend and subsequently abandon, in 1989, the works on the Nagymaros Project and on the part of the Gabčikovo Project for which the Treaty attributed responsibility to the Republic of Hungary;

(*b*) whether the Czech and Slovak Federal Republic was entitled to proceed, in November 1991, to the 'provisional solution' and to put into operation from October 1992 this system, described in the Report of the Working Group of Independent Experts of the Commission of the European Communities, the Republic of Hungary and the Czech and Slovak Federal Republic dated 23 November 1992 (damming up of the Danube at river kilometre 1851.7 on Czechoslovak territory and resulting consequences on water and navigation course);

(*c*) what are the legal effects of the notification, on 19 May 1992, of the termination of the Treaty by the Republic of Hungary.

(2) The Court is also requested to determine the legal consequences, including the rights and obligations for the Parties, arising from its Judgment on the questions in paragraph 1 of this Article."

By an Order of 14 July 1993 (*I.C.J. Reports 1993*, p. 319) the Court decided that, as provided in Article 3, paragraph 2, of the Special Agreement and Article 46, paragraph 1, of the Rules of Court, each Party should file a Memorial and a Counter-Memorial, within the same time-limit, and fixed 2 May 1994 and 5 December 1994 as the time-limits

for the filing of the Memorial and Counter-Memorial, respectively. The Memorials and Counter-Memorials were filed within the prescribed time-limits.

Slovakia chose Mr. Krzysztof J. Skubiszewski to sit as judge *ad hoc*.

By an Order of 20 December 1994 (*I.C.J. Reports 1994*, p. 151), the President of the Court, taking into account the views of the Parties, fixed 20 June 1995 as the time-limit for the filing of a Reply by each of the Parties. Those Replies were filed within the prescribed time-limit.

In June 1995 the Agent of Slovakia asked the Court, by letter, to visit the site of the Gabčikovo-Nagymaros hydroelectric dam project on the river Danube with regard to the obtaining of evidence in the above case. The Agent of Hungary thereupon informed the Court that his country would be pleased to co-operate in organizing such a visit.

In November 1995, in Budapest and New York, the two Parties then signed a "Protocol of Agreement" on the proposal of a visit by the Court, which, after dates had been fixed with the approval of the Court, was supplemented by Agreed Minutes on 3 February 1997.

By an Order of 5 February 1997 (*I.C.J. Reports 1997*, p. 3) the Court decided to "exercise its functions with regard to the obtaining of evidence by visiting a place or locality to which the case relates" (cf. Art. 66 of the Rules of Court) and to "adopt to that end the arrangements proposed by the Parties". The visit, which was the first in the Court's fifty-year history, took place from 1 to 4 April 1997, between the first and second rounds of oral hearings.

The first round of those hearings took place from 3 to 7 March and from 24 to 27 March 1997. A video-film was shown by each of the Parties. Judges Ranjeva, Fleischhauer and Vereshchetin put questions to the Hungarian Party. The second round took place on 10 and 11 and on 14 and 15 April 1997. The President and the Vice-President of the Court and Judge Bedjaoui put questions to either or both of the Parties.

At the time of preparation of this *Yearbook*, the Court was deliberating on its Judgment.

7. *Land and Maritime Boundary between Cameroon and Nigeria (Cameroon* v. *Nigeria)*

On 29 March 1994 the Republic of Cameroon filed in the Registry of the Court an Application instituting proceedings against the Federal Republic of Nigeria in a dispute concerning the question of sovereignty over the peninsula of Bakassi, and requesting the Court to determine the course of the maritime frontier between the two States in so far as that frontier had not already been established in 1975.

As a basis for the jurisdiction of the Court, the Application refers to the declarations made by Cameroon and Nigeria under Article 36, paragraph 2, of the Statute of the Court, by which they accept that jurisdiction as compulsory.

In the Application Cameroon refers to "an aggression by the Federal

Republic of Nigeria, whose troops are occupying several Cameroonian localities on the Bakassi Peninsula", resulting "in great prejudice to the Republic of Cameroon", and requests the Court to adjudge and declare:

"(*a*) that sovereignty over the Peninsula of Bakassi is Cameroonian, by virtue of international law, and that that Peninsula is an integral part of the territory of Cameroon;

(*b*) that the Federal Republic of Nigeria has violated and is violating the fundamental principle of respect for frontiers inherited from colonization (*uti possidetis juris*);

(*c*) that by using force against the Republic of Cameroon, the Federal Republic of Nigeria has violated and is violating its obligations under international treaty law and customary law;

(*d*) that the Federal Republic of Nigeria, by militarily occupying the Cameroonian Peninsula of Bakassi, has violated and is violating the obligations incumbent upon it by virtue of treaty law and customary law;

(*e*) that in view of these breaches of legal obligation, mentioned above, the Federal Republic of Nigeria has the express duty of putting an end to its military presence in Cameroonian territory, and effecting an immediate and unconditional withdrawal of its troops from the Cameroonian Peninsula of Bakassi;

(*e'*) that the internationally unlawful acts referred to under (*a*), (*b*), (*c*), (*d*), and (*e*) above involve the responsibility of the Federal Republic of Nigeria;

(*e"*) that, consequently, and on account of the material and non-material damage inflicted upon the Republic of Cameroon, reparation in an amount to be determined by the Court is due from the Federal Republic of Nigeria to the Republic of Cameroon, which reserves the introduction before the Court of [proceedings for] a precise assessment of the damage caused by the Federal Republic of Nigeria;

(*f*) in order to prevent any dispute arising between the two States concerning their maritime boundary, the Republic of Cameroon requests the Court to proceed to prolong the course of its maritime boundary with the Federal Republic of Nigeria up to the limit of the maritime zones which international law places under their respective jurisdictions."

On 6 June 1994 Cameroon filed in the Registry of the Court an Additional Application "for the purpose of extending the subject of the dispute" to a further dispute described as relating essentially "to the question of sovereignty over a part of the territory of Cameroon in the area of Lake Chad", while also asking the Court to specify definitively the frontier between Cameroon and Nigeria from Lake Chad to the sea. Cameroon requested the Court to adjudge and declare:

"*(a)* that sovereignty over the disputed parcel in the area of Lake Chad is Cameroonian, by virtue of international law, and that that parcel is an integral part of the territory of Cameroon;

(b) that the Federal Republic of Nigeria has violated and is violating the fundamental principle of respect for frontiers inherited from colonization *(uti possidetis juris)*, and its recent legal commitments concerning the demarcation of frontiers in Lake Chad;

(c) that the Federal Republic of Nigeria, by occupying, with the support of its security forces, parcels of Cameroonian territory in the area of Lake Chad, has violated and is violating its obligations under treaty law and customary law;

(d) that in view of these legal obligations, mentioned above, the Federal Republic of Nigeria has the express duty of effecting an immediate and unconditional withdrawal of its troops from Cameroonian territory in the area of Lake Chad;

(e) that the internationally unlawful acts referred to under *(a)*, *(b)*, and *(d)* above involve the responsibility of the Federal Republic of Nigeria;

(e') that consequently, and on account of the material and non-material damage inflicted upon the Republic of Cameroon, reparation in an amount to be determined by the Court is due from the Federal Republic of Nigeria to the Republic of Cameroon, which reserves the introduction before the Court of [proceedings for] a precise assessment of the damage caused by the Federal Republic of Nigeria;

(f) that in view of the repeated incursions of Nigerian groups and armed forces into Cameroonian territory, all along the frontier between the two countries, the consequent grave and repeated incidents, and the vacillating and contradictory attitude of the Federal Republic of Nigeria in regard to the legal instruments defining the frontier between the two countries and the exact course of that frontier, the Republic of Cameroon respectfully asks the Court to specify definitively the frontier between Cameroon and the Federal Republic of Nigeria from Lake Chad to the sea."

Cameroon further requested the Court to join the two Applications "and to examine the whole in a single case".

At a meeting between the President of the Court and the representatives of the Parties held on 14 June 1994, the Agent of Nigeria indicated that his Government had no objection to the Additional Application being treated as an amendment to the initial Application, so that the Court could deal with the whole as one case.

Cameroon chose Mr. Kéba Mbaye and Nigeria Prince Bola A. Ajibola to sit as judges *ad hoc*.

By an Order of 16 June 1994 (*I.C.J. Reports 1994*, p. 105), the Court,

seeing no objection to the suggested procedure, fixed 16 March 1995 as the time-limit for filing the Memorial of Cameroon, and 18 December 1995 as the time-limit for filing the Counter-Memorial of Nigeria. The Memorial was filed within the prescribed time-limit.

On 13 December 1995, within the time-limit for the filing of its Counter-Memorial, Nigeria filed certain preliminary objections to the jurisdiction of the Court and to the admissibility of the claims of Cameroon.

By virtue of Article 79, paragraph 3, of the Rules of Court, the proceedings on the merits are suspended when preliminary objections are filed; proceedings have then to be organized for the consideration of those preliminary objections in accordance with the provisions of that Article.

By an Order of 10 January 1996 (*I.C.J. Reports 1996*, p. 3), the President of the Court, taking into account the views expressed by the Parties at a meeting between the President and the Agents of the Parties held on 10 January 1996, fixed 15 May 1996 as the time-limit within which Cameroon might present a written statement of its observations and submissions on the preliminary objections raised by Nigeria. Cameroon filed such a statement within the prescribed time-limit.

On 12 February 1996, the Registry of the International Court of Justice received from Cameroon a request for the indication of provisional measures, with reference to "serious armed incidents" which had taken place between Cameroonian and Nigerian forces in the Bakassi Peninsula beginning on 3 February 1996.

In its request Cameroon referred to the submissions made in its Application of 29 May 1994, supplemented by an Additional Application of 6 June of that year, as also summed up in its Memorial of 16 March 1995, and requested the Court to indicate the following provisional measures:

> "(1) the armed forces of the Parties shall withdraw to the position they were occupying before the Nigerian armed attack of 3 February 1996;
>
> (2) the Parties shall abstain from all military activity along the entire boundary until the judgment of the Court has taken place;
>
> (3) the Parties shall abstain from any act or action which might hamper the gathering of evidence in the present case".

Public sittings to hear the oral observations of the Parties on the request for the indication of provisional measures were held between 5 and 8 March 1996.

At a public sitting, held on 15 March 1996, the President of the Court read the Order on the request for provisional measures made by Cameroon (*I.C.J. Reports 1996*, p. 13), by which the Court indicated that "both Parties should ensure that no action of any kind, and particularly no action by their armed forces, is taken which might prejudice the rights of the other in respect of whatever judgment the Court may render in the case, or which might aggravate or extend the dispute before it";

that they "should observe the agreement reached between the Ministers for Foreign Affairs in Kara, Togo, on 17 February 1996, for the cessation of all hostilities in the Bakassi Peninsula"; that they "should ensure that the presence of any armed forces in the Bakassi Peninsula does not extend beyond the positions in which they were situated prior to 3 February 1996"; that they "should take all necessary steps to conserve evidence relevant to the present case within the disputed area"; and that they "should lend every assistance to the fact-finding mission which the Secretary-General of the United Nations has proposed to send to the Bakassi Peninsula".

Judges Oda, Shahabuddeen, Ranjeva and Koroma appended declarations to the Order of the Court (*I.C.J. Reports 1996*, pp. 26-27, 28, 29 and 30); Judges Weeramantry, Shi and Vereshchetin appended a joint declaration (*ibid.*, p. 31); Judge *ad hoc* Mbaye also appended a declaration (*ibid.*, pp. 32-34). Judge *ad hoc* Ajibola appended a separate opinion to the Order (*ibid.*, pp. 35-36).

8. Fisheries Jurisdiction (Spain v. Canada)

On 28 March 1995 the Kingdom of Spain filed in the Registry of the Court an Application instituting proceedings against Canada with respect to a dispute relating to the Canadian Coastal Fisheries Protection Act, as amended on 12 May 1994, and to the implementing regulations of that Act, as well as to certain measures taken on the basis of that legislation, more particularly the boarding on the high seas, on 9 March 1995, of a fishing boat, the *Estai*, sailing under the Spanish flag.

The Application indicated, *inter alia*, that by the amended Act "an attempt was made to impose on all persons on board foreign ships a broad prohibition on fishing in the NAFO [Northwest Atlantic Fisheries Organization] Regulatory Area – that is, on the high seas, outside Canada's exclusive economic zone"; that the Act "expressly permits (Art. 8) the use of force against foreign fishing boats in the zones that Article 2.1 unambiguously terms the 'high seas' "; that the rules of application of 25 May 1994 provided, in particular, for "the use of force by fishery protection officers against the foreign fishing boats covered by those regulations . . . which infringe their mandates in the zone of the high seas within the scope of those regulations"; and that the implementing regulations of 3 March 1995 "expressly permit . . . such conduct as regards Spanish and Portuguese ships on the high seas".

The Application alleged the violation of various principles and norms of international law and stated that there was a dispute between the Kingdom of Spain and Canada which, going beyond the framework of fishing, seriously affected the very principle of the freedom of the high seas and, moreover, implied a very serious infringement of the sovereign rights of Spain.

As a basis of the Court's jurisdiction, the Applicant referred to

the declarations of Spain and of Canada made in accordance with Article 36, paragraph 2, of the Statute of the Court.

In that regard, the Application specified that:

> "The exclusion of the jurisdiction of the Court in relation to disputes which may arise from management and conservation measures taken by Canada with respect to vessels fishing in the NAFO Regulatory Area and the enforcement of such measures (Declaration of Canada, para. 2 *(d)*, introduced as recently as 10 May 1994, two days prior to the amendment of the Coastal Fisheries Protection Act), does not even partially affect the present dispute. Indeed, the Application of the Kingdom of Spain does not refer exactly to the disputes concerning those measures, but rather to their origin, to the Canadian legislation which constitutes their frame of reference. The Application of Spain directly attacks the title asserted to justify the Canadian measures and their actions to enforce them, a piece of legislation which, going a great deal further than the mere management and conservation of fishery resources, is in itself an internationally wrongful act of Canada, as it is contrary to the fundamental principles and norms of international law; a piece of legislation which for that reason does not fall exclusively within the jurisdiction of Canada either, according to its own Declaration (para. 2 *(c)* thereof). Moreover, only as from 3 March 1995 has an attempt been made to extend that legislation, in a discriminatory manner, to ships flying the flags of Spain and Portugal, which has led to the serious offences against international law set forth above."

While expressly reserving the right to modify and extend the terms of the Application, as well as the grounds invoked, and the right to request the appropriate provisional measures, the Kingdom of Spain requested:

> "(A) that the Court declare that the legislation of Canada, in so far as it claims to exercise a jurisdiction over ships flying a foreign flag on the high seas, outside the exclusive economic zone of Canada, is not opposable to the Kingdom of Spain;
>
> (B) that the Court adjudge and declare that Canada is bound to refrain from any repetition of the acts complained of, and to offer to the Kingdom of Spain the reparation that is due, in the form of an indemnity the amount of which must cover all the damages and injuries occasioned; and
>
> (C) that, consequently, the Court declare also that the boarding on the high seas, on 9 March 1995, of the ship *Estai* flying the flag of Spain, and the measures of coercion and the exercise of jurisdiction over that ship and over its captain constitute a concrete violation of the aforementioned principles and norms of international law."

By a letter dated 21 April 1995, the Ambassador of Canada to the Netherlands informed the Court that, in the view of his Government,

the Court manifestly lacked jurisdiction to deal with the Application filed by Spain by reason of paragraph 2 *(d)* of the Declaration, dated 10 May 1994, whereby Canada accepted the compulsory jurisdiction of the Court.

Taking into account an agreement concerning the procedure reached between the Parties at a meeting with the President of the Court, held on 27 April 1995, the President, by an Order of 2 May 1995 (*I.C.J. Reports 1995*, p. 87), decided that the written proceedings should first be addressed to the question of the jurisdiction of the Court to entertain the dispute and fixed 29 September 1995 as the time-limit for the filing of the Memorial of the Kingdom of Spain and 29 February 1996 for the filing of the Counter-Memorial of Canada. The Memorial and Counter-Memorial were filed within the prescribed time-limits.

Spain chose Mr. Santiago Torres-Bernárdez and Canada the Honourable Marc Lalonde to sit as judges *ad hoc*.

The Spanish Government subsequently expressed its wish to be authorized to file a Reply; the Canadian Government opposed this. By an Order of 8 May 1996 (*I.C.J. Reports 1996*, p. 58), the Court, considering that it was "sufficiently informed, at this stage, of the contentions of fact and law on which the Parties rely with respect to its jurisdiction in the case and whereas the presentation by them of other written pleadings on that question therefore does not appear necessary", decided by fifteen votes to two, not to authorize the filing of a Reply by the Applicant and a Rejoinder by the Respondent on the question of jurisdiction.

Judge Vereshchetin and Judge *ad hoc* Torres-Bernárdez voted against; the latter appended a dissenting opinion to the Order (*I.C.J. Reports 1996*, p. 61).

The written proceedings on the question of the jurisdiction of the Court to entertain the dispute were thus concluded.

9. Kasikili/Sedudu Island (Botswana/Namibia)

On 29 May 1996 the Government of the Republic of Botswana and the Government of the Republic of Namibia notified jointly to the Registrar of the Court a Special Agreement between the two States signed at Gaborone on 15 February 1996 and which came into force on 15 May 1996, for the submission to the Court of the dispute existing between them concerning the boundary around Kasikili/Sedudu Island and the legal status of that island.

The Special Agreement refers to a Treaty between Great Britain and Germany respecting the spheres of influence of the two countries, signed on 1 July 1890, and to the appointment, on 24 May 1992, of a Joint Team of Technical Experts "to determine the boundary between Namibia and Botswana around Kasikili/Sedudu Island" on the basis of that Treaty and of the applicable principles of international law. Unable to reach a conclusion on the question the Joint Team of Technical Experts recommended "recourse to the peaceful settlement of the dispute on the basis of the applicable rules and principles of international law". At the Summit

Meeting held in Harare, Zimbabwe, on 15 February 1995, President Masire of Botswana and President Nujoma of Namibia agreed "to submit the dispute to the International Court of Justice for a final and binding determination".

Under the terms of the Special Agreement, the Parties ask the Court to

> "determine, on the basis of the Anglo-Germany Treaty of 1 July 1890 and the rules and principles of international law, the boundary between Namibia and Botswana around Kasikili/Sedudu Island and the legal status of the island".

By an Order of 24 June 1996 (*I.C.J. Reports 1996*, p. 63), the Court fixed 28 February and 28 November 1997 respectively as the time-limits for the filing by each of the Parties of a Memorial and a Counter-Memorial. A Memorial was filed by each of the Parties within the prescribed time-limit.

II. Application of the Statute and Rules of Court

1. Organization of the Court

(a) *Installation of new judges*

(Statute, Art. 20; Rules, Art. 4)

The two new judges elected by the General Assembly and the Security Council on 6 November 1996 (see Chap. I, p. 9, above) made the solemn declaration required by the Statute and Rules of Court on 3 March 1997, at a public sitting held before the opening of the hearings in the case concerning *Gabčikovo-Nagymaros Project (Hungary/Slovakia)*.

(b) *The Presidency*

(Statute, Arts. 21 and 48; Rules, Arts. 10, 11, 31, 44 and 48)

On 6 February 1997 the Court elected its President and Vice-President for a term of three years with effect from that date (see above, p. 9).

The President made an Order fixing the time-limit for the filing by each of the Parties of a Counter-Memorial on the merits in the case concerning *Maritime Delimitation and Territorial Questions between Qatar and Bahrain (Qatar* v. *Bahrain)* (see above, p. 167).

Following the Court's Judgment on the Preliminary Objection raised by the United States in the case concerning *Oil Platforms (Islamic Republic of Iran* v. *United States of America)* he further made an Order fixing the time-limit for the filing by the United States of a Counter-Memorial on the merits (see above, p. 178).

On several occasions, the President convened meetings with the Agents of Parties in cases pending before the Court in order to ascertain the views of those Parties with regard to questions of procedure.

(c) *Judges* ad hoc

(Statute, Arts. 20 and 31; Rules, Arts. 4, 8 and 35)

Following the resignation, as from the end of the jurisdiction and

admissibility phase, of the judge *ad hoc* chosen by Bahrain in the case concerning *Maritime Delimitation and Territorial Questions between Qatar and Bahrain (Qatar* v. *Bahrain)*, that State chose another person to sit as judge *ad hoc* (see above, p. 167).

The Judge *ad hoc* chosen by Iran in the case concerning *Oil Platforms (Islamic Republic of Iran* v. *United States of America)* and the Judge *ad hoc* chosen by Slovakia in the case concerning *Gabčíkovo-Nagymaros Project (Hungary/Slovakia)* made the solemn declaration required by the Statute and Rules of Court at the opening of the hearings in each of those cases, on 16 September 1996 and 3 March 1997 respectively.

(d) *Chamber of Summary Procedure*

(Statute, Art. 29)

On 7 February 1997 the Court composed the Chamber of Summary Procedure, consisting of five judges and two alternate judges (see Chap. I, p. 17 above).

2. Jurisdiction of the Court

(Statute, Art. 36, paras. 1 and 6; Rules, Art. 79, para. 7)

In its Judgment in the case concerning *Oil Platforms (Islamic Republic of Iran* v. *United States of America) (Preliminary Objection)* the Court rejected the preliminary objection to its jurisdiction raised by the United States. It found that it had jurisdiction to deal with the case on the basis of Article XXI, paragraph 2, of the Treaty of Amity, Economic Relations and Consular Rights between the United States and Iran, signed in Tehran on 15 August 1955 which entered into force on 16 June 1957.

The United States had argued that the Court lacked jurisdiction, on the one hand, because the Treaty of 1955, which contained commercial and consular provisions, was not applicable in the event of the use of force. The Court found in this respect that the Treaty, which did not expressly exclude any matters from the Court's jurisdiction, imposed on each of the Parties various obligations on a variety of matters. Any action incompatible with those obligations was unlawful, regardless of the means by which it was brought about, including the use of force. Matters relating to the use of force were therefore not *per se* excluded from the reach of the Treaty.

Other arguments of the United States had related to the scope of various articles of the Treaty of 1955. The Court found in this respect that, considering the object and purpose of the Treaty, Article I should be regarded as fixing an objective (of peace and friendship), in the light of which the other Treaty provisions were to be interpreted and applied, but that it could not, taken in isolation, be a basis for the Court's jurisdiction. Neither could Article IV, paragraph 1, of the Treaty, the detailed provisions of which concerned the treatment by each party of the nationals and companies of the other party, as well as their property and enterprises,

but which did not cover the actions carried out in this case by the United States against Iran, provide such a basis.

With regard to Article X, paragraph 1, of the Treaty, however, the Court found that the destruction of the Iranian oil platforms by the United States complained of by Iran was capable of having an effect upon the export trade in Iranian oil and, consequently, upon the freedom of commerce guaranteed in that paragraph. The lawfulness of that destruction could therefore be evaluated in relation to that paragraph.

As a consequence, there existed between the Parties a dispute as to the interpretation and the application of Article X, paragraph 1, of the Treaty of 1955; that dispute fell within the scope of the compromissory clause in Article XXI, paragraph 2, of the Treaty; and the Court therefore had jurisdiction to entertain the dispute.

3. Contentious Procedure

(a) *Filing of pleadings*

Each of the Parties in the case concerning *Maritime Delimitation and Territorial Questions between Qatar and Bahrain (Qatar* v. *Bahrain)* filed its Memorial within the time-limit as extended by the Court (see above p. 167).

In the case concerning *Oil Platforms (Islamic Republic of Iran* v. *United States of America)* the United States, within the time-limit fixed by the President of the Court (see above p. 178), filed its Counter-Memorial and a counter-claim (see below under *(b)*). In the case concerning *Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosnia and Herzegovina* v. *Yugoslavia)* Yugoslavia submitted its Counter-Memorial and counter-claims within the time-limit fixed. (See above p. 187 for the time-limit, and below, under *(b)*, for the counter-claims.)

Each of the Parties in the case concerning *Kasikili/Sedudu Island (Botswana/Namibia)* filed its Memorial within the time-limit fixed by the Court (see above p. 197).

(b) *Counter-claims*

(Rules, Art. 80)

The United States, in the case concerning *Oil Platforms (Islamic Republic of Iran* v. *United States of America)*, and Yugoslavia, in the case concerning *Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosnia and Herzegovina* v. *Yugoslavia)*, presented counter-claims in their respective Counter-Memorials and appearing "as part of the submissions of that party" (see above pp. 178 and 187, respectively).

(c) *Presentation of new documents*

(Statute, Art. 52; Rules, Art. 56)

After the closure of the written proceedings, one of the Parties in

the case concerning *Gabčikovo-Nagymaros Project (Hungary/Slovakia)*, expressed the wish to produce two new documents. The other Party objected to their production. The Court, after ascertaining the views of the Parties, decided to authorize the production of those documents under certain conditions of which the Parties were advised. Within the time-limit fixed by the Court, the other Party submitted comments on one of the documents produced. After authorization by the Court and within the time-limit fixed, the Party producing the documents filed comments upon those observations.

(d) *Availability of pleadings to States entitled to appear before the Court*
(Rules, Art. 53, para. 1)

In the case concerning *Maritime Delimitation and Territorial Questions between Qatar and Bahrain (Qatar* v. *Bahrain)*, two States entitled to appear before the Court asked to be furnished with copies of the pleadings and documents annexed thereto. After ascertaining the views of the Parties in the case, the President decided that it was not appropriate to grant those requests.

A similar request was made by one of the two States mentioned above with regard to the pleadings filed in the case concerning *Kasikili/Sedudu Island (Botswana/Namibia)*. After ascertaining the views of the Parties in the case, the Vice-President decided that it was not appropriate to grant that request.

(e) *Accessibility of pleadings to the public*
(Rules, Art. 53, para. 2)

In the cases concerning the *Oil Platforms (Islamic Republic of Iran* v. *United States of America) (Preliminary Objection)* and *Gabčikovo-Nagymaros Project (Hungary/Slovakia)* the Court, after ascertaining the views of the Parties, decided to make the pleadings and documents annexed thereto accessible to the public on the opening of the oral proceedings.

(f) *Oral proceedings*
(Statute, Arts. 43, 45 and 46; Rules, Arts. 54, 58 and 79, para. 4)

The hearings in the case concerning *Oil Platforms (Islamic Republic of Iran* v. *United States of America) (Preliminary Objection)*, consisted of two rounds of oral arguments in which both States participated (see above p. 172).

In the case concerning *Gabčikovo-Nagymaros Project (Hungary/Slovakia)* the hearings also consisted of two rounds of oral arguments with the participation of both States (see above, p. 190). Between the first and second round, however, the Court visited the locality to which the case related (see below, under *(h)* (iii)).

(g) *Questions by judges*
(Statute, Art. 45; Rules, Arts. 61 and 72)

During the first round of hearings in the case concerning *Oil Platforms*

(Islamic Republic of Iran v. *United States of America) (Preliminary Objection)*, questions were put to both Parties by the Vice-President and the judge *ad hoc*, while another judge put a question to the Applicant. The replies were given in writing, within the prescribed time-limits. The Respondent submitted comments on the reply given by the Applicant to the question put to the latter.

In the case concerning *Gabčíkovo-Nagymaros Project (Hungary/Slovakia)* three judges put questions to Hungary during the first round. Questions were put to either or both of the Parties by the President, Vice-President and another judge during the second round of the hearings. The replies were given in writing, together with the replies to questions asked by judges during the visit to the site (see below). Each Party submitted comments on the replies given by the other.

(h) *Evidence*

(i) *Showing of a video-film*

Each of the Parties in the case concerning *Gabčíkovo-Nagymaros Project (Hungary/Slovakia)* asked to be allowed to show a video cassette in the course of the oral proceedings. The Court agreed to those requests, provided that the cassettes in question were exchanged in advance between the Parties, through the intermediary of the Registry. That exchange was effected accordingly.

(ii) *Calling of a witness/expert*
(Rules, Art. 57)

In the case concerning *Gabčíkovo-Nagymaros Project (Hungary/Slovakia)* there was an exchange of letters between the Parties and the Court clarifying that two members of the delegation of the Slovak Republic who were described as "counsel and experts" were fully integrated in that delegation and were to address the Court as Counsel.

(iii) *Obtaining of evidence* in situ
(Rules, Art. 66)

By a letter dated 16 June 1995, the Agent of Slovakia in the case concerning *Gabčíkovo-Nagymaros Project (Hungary/Slovakia)* invited the Court to visit the locality to which the case relates and there to exercise its functions with regard to the obtaining of evidence, in accordance with Article 66 of the Rules of Court. For his part, the Agent of Hungary indicated, by a letter dated 28 June 1995, that, if the Court should decide that a visit of that kind would be useful, his Government would be pleased to co-operate in organizing it. By a letter dated 14 November 1995, the Agents of the Parties jointly notified to the Court the text of a Protocol of Agreement, concluded in Budapest and New York the same day, with a view to proposing to the Court the arrangements that might be made for such a visit *in situ*; and, by a letter dated 3 February 1997, they jointly

notified to it the text of Agreed Minutes drawn up in Budapest and New York the same day, which supplemented the Protocol of Agreement of 14 November 1995. By an Order dated 5 February 1997, the Court decided to accept the invitation to exercise its functions with regard to the obtaining of evidence at a place to which the case relates and, to that end, to adopt the arrangements proposed by the Parties. The Court visited the area from 1 to 4 April 1997; it visited a number of locations along the Danube and took note of the technical explanations given by the representatives who had been designated for the purpose by the Parties. The visit was the first such visit in the history of the Court.

(i) *Final submissions*

(Rules, Art. 60, para. 2)

In the case concerning *Oil Platforms (Islamic Republic of Iran* v. *United States of America) (Preliminary Objection)* the Agent of the United States maintained the submission contained in its preliminary objection as the final submission of his Government. The Agent of Iran likewise maintained the submissions contained in the observations of Iran on the preliminary objection.

In the second round of the hearings in the case concerning *Gabčíkovo-Nagymaros Project (Hungary/Slovakia)* the Agents of both Parties read the final submissions of their Governments, which they also submitted in writing.

(j) *Separate and dissenting opinions and declarations*

(Statute, Art. 57; Rules, Art. 95, para. 2)

In the case concerning *Oil Platforms (Islamic Republic of Iran* v. *United States of America) (Preliminary Objection)* four judges and the judge *ad hoc* appended separate opinions to the Judgment of the Court; the Vice-President and one other judge appended dissenting opinions.

(k) *Reading of the decision of the Court*

(Statute, Art. 58; Rules, Arts. 94 and 95)

The Judgment of the Court in the case concerning *Oil Platforms (Islamic Republic of Iran* v. *United States of America) (Preliminary Objection)* was read at a public sitting; in view of the length of the text the President indicated and summarized the passages omitted. A duly signed and sealed copy was transmitted to each of the Agents of the Parties at the end of the reading.

III. Visits

A. Visit by the Secretary-General of the United Nations

On 3 March 1997, the Secretary-General of the United Nations, H.E. Mr. Kofi Annan, made an official visit to the Court. He was received

by the President and Members of the Court and held private talks with them. The President gave a dinner in his honour in the evening of 2 March.

B. Visits of Heads of State

On 23 January 1997 the President of Guatemala, H.E. Mr. Alvaro Arzú, who was visiting the Netherlands, came to visit the premises which the International Court of Justice occupies in the Peace Palace. On that occasion, he was received by the President and by Members of the Court. The President of the Court congratulated the President of Guatemala on his achievements in the cause of peace and stability, and in particular on the conclusion of the historic peace accord of December 1996 with the leaders of the National Guatemala Revolutionary Unity, to put an end to 36 years of bitter and unsettling civil conflict. The President of Guatemala, in his reply, referred to his country's awareness of the role of the Court in the settlement of disputes and in the promotion of peace through justice in international relations.

On 19 March 1997, the President of Ireland, H.E. Mrs. Mary Robinson, who was on a working visit to the Netherlands, visited the Court. She was received by the President and Members of the Court. Members of the Court described the Court's current caseload and human rights aspects of the Court's jurisprudence. President Robinson expressed her appreciation of the importance of the role of the judiciary in general and of the International Court of Justice in particular. She expressed special interest in the contributions of the Court to the development of human rights and international humanitarian law. She also referred to the desirability of wider acceptance of the compulsory jurisdiction of the Court.

C. Visits of Members of Government and Other High Officials

Several Members of Government of States paid a visit to the Court. They were received by the President and Members and the Court and an exchange of views took place during a small reception held in their honour. They were:

- on 11 September 1996, H.E. Mr. Li Ruihuan, Chairman of the National Committee of the Chinese People's Political Consultative Conference, People's Republic of China;
- on 27 September 1996, H.E. Mr. Dato' Abang Abu Bakar bin Datu Bandar Abang Haji Mustapha, Minister in the Prime Minister's Department, Malaysia;
- on 28 January 1997, H.E. Alexander Downer, Minister for Foreign Affairs of Australia; and
- on 9 April 1997, H.E. Mrs. Maria Emma Mejia, Foreign Minister of Colombia.

IV. Report and Representation of the Court at the General Assembly

On the occasion of the fifty-first session of the General Assembly, the Court submitted a report on its activities covering the period from 1 August 1995 to 31 July 1996 (A/51/4). This report was divided into ten parts, relating to the composition, jurisdiction and judicial work of the Court, the present difficulties of the Court, the Fiftieth Anniversary of the Court and of the United Nations, the role of the Court, visits, lectures, administrative questions, and the Court's publications and documents. The General Assembly took note of the report at its 34th plenary meeting held on 15 October 1996. On that occasion the President, who, with the Registrar, represented the Court at the fifty-first session of the General Assembly, addressed that body on "The Limitations on the Contribution by the International Court of Justice to the Maintenance of Peace". The text of that address is reproduced in the Appendix to this Chapter (see below pp. 207-215). Those Members of the Court who were present in New York also attended part of the fifty-first session of the General Assembly.

A report dealing with the period 1 August 1996 to 31 July 1997 will be submitted on the occasion of the fifty-second session of the General Assembly (A/52/4).

V. Applications from Private Persons

Private persons frequently apply to the Court for the purpose of obtaining a decision on matters at issue between them and the authorities of their own or of another country. Between 1 August 1996 and 31 July 1997 the Court received approximately 1,200 requests of this kind. The writers were informed that, according to Article 34 of the Statute, "only States may be parties in cases before the Court".

APPENDIX

1. Action Pursuant to an Advisory Opinion of the Court

The present heading contains the information received in the Registry between 1 August 1996 and 31 July 1997 concerning action taken pursuant to an Advisory Opinion of the Court. The Registry, which does not take the initiative of seeking such information, publishes it without comment as and when it is received and can accept no responsibility in connection with it.

Legality of the Threat or Use of Nuclear Weapons

By a note dated 15 October 1996 the Secretary-General of the United Nations transmitted the text of the Advisory Opinion given by the Court on 8 July 1996[1] to the General Assembly (United Nations doc. A/51/218).

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[1] See *I.C.J. Yearbook 1995-1996*, pp. 212-223.

At the 79th plenary meeting of its fifty-first session, held on 10 December 1996, the General Assembly adopted resolution 51/45 M, the full text of which reads as follows:

"*Advisory Opinion* of the International Court of Justice on the legality of the threat or use of nuclear weapons

The General Assembly,

Recalling its resolution 49/75 K of 15 December 1994, in which it requested the International Court of Justice to render an advisory opinion on whether the threat or use of nuclear weapons is permitted in any circumstance under international law,

Mindful of the solemn obligations on States parties, undertaken in Article VI of the Treaty on the Non-Proliferation of Nuclear Weapons[1], particularly to pursue negotiations in good faith on effective measures relating to cessation of the nuclear arms race at an early date and to nuclear disarmament,

Recalling its resolution 50/70 P of 12 December 1995, in which it called upon the Conference on Disarmament to establish an *ad hoc* committee on nuclear disarmament to commence negotiations on a phased programme of nuclear disarmament and for the eventual elimination of nuclear weapons within a time-bound framework,

Recalling also the principles and objectives for nuclear non-proliferation and disarmament adopted at the 1995 Review and Extension Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons[2], and in particular the objective of determined pursuit by the nuclear weapon States of systematic and progressive efforts to reduce nuclear weapons globally, with the ultimate goal of eliminating those weapons,

Recognizing that the only defence against a nuclear catastrophe is the total elimination of nuclear weapons and the certainty that they will never be produced again,

Desiring to achieve the objective of a legally binding prohibition of the development, production, testing, deployment, stockpiling, threat or use of nuclear weapons and their destruction under effective international control,

Reaffirming the commitment of the international community to the goal of the total elimination of nuclear weapons, and welcoming every effort towards this end,

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[1] United Nations, *Treaty Series*, Vol. 729, No. 10485.

[2] *1995 Review and Extension Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, Final Document, Part I* (NPT/CONF.1995/32 (Part I)), Annex, Decision 2.

Reaffirming also the central role of the Conference on Disarmament as the single multilateral disarmament negotiation forum,

Noting the adoption of the Comprehensive Nuclear-Test-Ban Treaty by the General Assembly in its resolution 50/245 of 10 September 1996,

Regretting the absence of multilaterally negotiated and legally binding security assurances against the threat or use of nuclear weapons against non-nuclear-weapon States,

Convinced that the continuing existence of nuclear weapons poses a threat to all humanity and that their use would have catastrophic consequences for all life on Earth,

1. *Expresses its appreciation* to the International Court of Justice for responding to the request made by the General Assembly at its forty-ninth session;

2. *Takes note* of the advisory opinion of the International Court of Justice on the *Legality of the Threat or Use of Nuclear Weapons*, issued on 8 July 1996[1];

3. *Underlines* the unanimous conclusion of the Court that there exists an obligation to pursue in good faith and bring to a conclusion negotiations leading to nuclear disarmament in all its aspects under strict and effective international control;

4. *Calls upon* all States to fulfil that obligation immediately by commencing multilateral negotiations in 1997 leading to an early conclusion of a nuclear-weapons convention prohibiting the development, production, testing, deployment, stockpiling, transfer, threat or use of nuclear weapons and providing for their elimination;

5. *Requests* the Secretary-General to provide the necessary assistance to support the implementation of the present resolution;

6. *Decides* to include in the provisional agenda of its fifty-second session an item entitled 'Follow-up to the Advisory Opinion of the International Court of Justice on the *Legality of the Threat or Use of Nuclear Weapons*'.

[1] A/51/218, Annex."

2. The Role and Functioning of the Court

At the 34th meeting of the fifty-first session of the General Assembly, held on 15 October 1996, at which the Assembly took note of the report of the Court for the period from 1 August 1995 to 31 July 1996 (see above p. 204), the President of the Court, Judge Mohammed Bedjaoui, gave the following address:

"THE LIMITATIONS ON THE CONTRIBUTION BY THE INTERNATIONAL COURT OF JUSTICE TO THE MAINTENANCE OF PEACE

[Translation]

Mr. President, Mr. Secretary-General, Your Excellencies, Ladies and Gentlemen,

It is a renewed pleasure and honour for me to have the opportunity once again to address this eminent Assembly on behalf of the International Court of Justice. I cannot reiterate too often how important, in my view, is this direct and truly privileged contact – now, happily, a regular event – between the Court I represent and the General Assembly. The independence and serenity which must, in all circumstances, preside over the exercise of the judicial function presuppose, of course, that a court will maintain a certain distance between itself and the upheavals of the society in the service of which it is required to fulfil that function; but the profoundly social nature of that function at the same time implies that a court must constantly be alert to the problems of that society, and remain in contact with those who are subject to its jurisdiction. I therefore wish to express my sincere thanks to the Assembly, which is not only the major plenary organ of the United Nations but also the cradle of international democracy, for having kindly set aside, this year too, a little of its precious time for the President of a Court open to all the States of the world and whose vocation is to deal with all the legal questions those States may wish to submit to it.

I am all the more alive to the privilege that is mine as I take the floor before you today, in that you have just elected to the presidency of this august Assembly an illustrious personage, His Excellency Mr. Tan Sri Razali Ismail, to whom I extend my warmest congratulations.

Mr. President, let me tell you what great hopes your election raises for the international community, which is honoured to welcome you to this eminent post. Your brilliant diplomatic career has led you to become acquainted with many of the peoples of the world, who will henceforth place in you a very special trust, knowing as they do that you understand all their diverse aspirations. The noble struggle in which you have engaged over the years for the promotion of human rights, the development of peoples and respect for the global environment compels our admiration. As a citizen of Malaysia, you are also a symbol, a symbol of a nation which has achieved an exemplary blend of rich age-old traditions and a modernism as courageous as it is effective in its promotion of economic renewal and social well-being.

Mr. President, the International Court of Justice is especially delighted by your election since you recently did it the honour of setting out before it, with consummate skill, the profound concern engendered in your people – as in so many others! – by the question of the threat or use of nuclear weapons.

I am convinced that, strong in the ideals which have always guided your action, and with your particular talents and experience, you will successfully accomplish the exalted mission which the international community has this year entrusted to you. I wish you every success in that difficult enterprise.

Your Excellencies, Ladies and Gentleman,

In 1994, I shared with your Assembly some reflections on the role of the International Court of Justice in the general system for the maintenance of peace instituted by the Charter. Last year – the fiftieth anniversary of the United Nations and, consequently, a year of stocktaking – I followed up on that reflection by attempting to sketch out the future of the Court, taking account of its various achievements. I should now like to complete this triptych with some considerations on the difficulties encountered by the Court in the performance of its truly unique mission in the service of peace. The wealth of its achievements throughout the past half-century and the very evident renewal of the interest shown in it in recent years, should not cause us to lose sight of the constraints under which it operates. A proper perception of those constraints seems to me essential to a sound understanding of the action of the Court and thereby reinforcing that action.

The International Court of Justice is a component not only of the machinery for the peaceful settlement of disputes created by the Charter but also of the general system for the maintenance of international peace and security it established. The Court is the principal judicial organ of the United Nations and, as such, its responsibilities are considerable. While it does not bear exclusive responsibility for peaceful settlement of legal disputes, it does in a way bear a 'principal' responsibility for the peaceful settlement. In order to carry out the tasks thus incumbent upon it, it has at its disposal two instruments: the contentious procedure, at the end of which the Court settles the dispute submitted to it by handing down a judgment that is binding upon the parties; and the advisory procedure, at the end of which the Court may respond, by rendering an advisory opinion, to a legal question put to it by an organization authorized to do so. The contentious procedure would seem to be the pre-eminent peacemaking instrument available to the Court. I have already had occasion to stress the advantages of the advisory procedure in this regard also. Apart from the fact that it can be an effective instrument of preventive diplomacy, that procedure may make a substantial contribution to the solution of a dispute that already exists. It can moreover provide the Court with an opportunity to deal with some of the major questions under discussion by the international community. There is scarcely any need for me to refer at this junction to the momentous issues which, both from the standpoint of the development of the law and from that of world peace, are at stake in advisory proceedings

such as those instituted by this Assembly with respect to the *Legality of the Threat or Use of Nuclear Weapons*.

The International Court of Justice is endowed with both a privileged institutional status and procedural instruments whose potential is frequently underestimated. Nonetheless its action in the service of peace suffers from certain limitations over which it has scant control. Some of these are structural, deriving from the very essence of the function of courts and also from the essence of contemporary society in the service of which international courts operate. The others are circumstantial and relate, *inter alia*, to the material resources made available to the Court. Whereas the former limitations are constant and could only, in principle, be removed at the expense of a distortion of the judicial function or a profound transformation of the political environment in which it is performed, the latter are reversible, but have the drawback of being extremely unpredictable.

Let us first consider the structural limitations.

The function of a court might be said to be to restore social peace by applying the rule of law in relations between those subject to its jurisdiction. There is no disputing the pre-eminent role of the rule of law as a factor for harmony and stability in any society. The law is always an instrument and never constitutes an end in itself. But it is an indispensable instrument for the ordering of relations between the various components of a society with a view to attaining the objectives sought by that society, given the changing system of values of that society. It is therefore a truism to assert that by endeavouring to achieve respect for the rule of law in relations between its subjects, a court is performing a peacemaking function essential to the promotion of the social good. In this sense, it is not incorrect to say that a court's function is 'politics' which does not mean – and this must be stressed – that it can be partisan in any way whatever. It is 'political' in the sense that a court is one of the protagonists contributing to the building of human society. However fundamental it may be, the action of a court cannot, however, serve as a panacea for the many and varied ills that may afflict a society – for a whole range of reasons.

In the first place, there are many disorders or imbalances which, by their very nature, substantially – if not totally – elude the grasp of the law, and hence of the courts. Even the most advanced societies cannot be completely 'juridicized'. The law cannot claim, by virtue of its instrumental dimension, to apprehend all aspects of the real. In any society, there are tensions which, to a greater or lesser extent, are diffuse or apparent, chronic or acute and which, when they have no clearly defined object, pose a threat to the social order. Such tensions, which cannot be left unchecked moreover, inherently elude the application of the law, which thus appears unsuited to the task of controlling them.

As for more clearly characterized disputes, their complexity is frequently such that, even when they possess a legal dimension, tackling that dimension by judicial means – useful though this exercise may be – is not enough to settle them, not to mention reduce their intensity.

The peacemaking function of courts thus encounters its first limitation in the inevitable limitation on the degree to which the law permeates social relations and on its effectiveness. Admittedly, although the law never exhausts the real, the place it occupies in the diverse societies is eminently variable. This place depends upon the social reality of which the law forms part, in other words, upon a given social milieu, with its ethical imperatives as well as its political, economic, cultural and other factors. The frequency and impact of the crises which then escape the benefits of intervention by courts are themselves determined by the state of the social milieu.

In the international order, the social fabric is less impregnated by law than it is in the domestic orders. As international society is less integrated, the legal relations in it are weaker, if not cruder. It scarcely needs to be said that today this society is still strongly marked by the 'horizontalism' stemming from the co-existence of States' sovereignties. In the absence of a universal legislative power, which, through general channels, would lay down the rules corresponding to the reconciled needs of all the actors in international life, international law continues to be the direct product of its subjects, each of them, through voluntarism, retaining control of that part of international law whose application to itself it would accept. There is no doubt that this singular situation, in which the creator of the rule of law is also its direct target, is less favourable to the development of a legal system which is 'balanced' whether as regards its normative scope or the material content of its rules. The intensity and the object of the 'legislative' action of the subjects of the international legal order are, it is no secret, too often still directly dependent both on the power and interests of each of those subjects, or of their regroupings according to various criteria. International law, not yet a law of solidarity, remains both heterogeneous and fragmentary.

Here, therefore, is a further difficulty and a challenge for an international court, whose work in the service of peace is entirely dependent on the application of that law. However, I would add that, by a kind of paradox, this handicap under which the international judicial function labours at the same time confers upon it a quite specific social role. Indeed, since the subjects of international law are concurrently the creators and the targets of the rules of that law, in the vast bulk of cases it falls to them to interpret and apply those rules. This being so, it seems somewhat unusual to submit legal disputes between them to a third party. When an international court is called upon to settle such disputes, its decision is thereby thrown into even sharper relief. It is all the actors on the international stage which are then affected

by the decision rendered, even if that decision is formally binding on the parties alone; this decision is all the more eagerly anticipated and then scrutinized as intervention by such a court remains the exception. This is still true even at a time when recourse to international courts is increasing, as it is for the International Court of Justice at present.

Without seeking to enter into doctrinal disputes regarding the incompleteness or otherwise of international law, it must be acknowledged that, in the field of the application of this law, there are quite remarkable contrasts of normative density. Whether international law has shortcomings or just uncertainties, it is undeniable that these weaknesses of the instrument are also, necessarily, weaknesses of whomever is called upon to have recourse to that instrument, even if they may also contribute to the grandeur of its role. I would add that the grey areas in international law can affect issues of particular sensitivity as regards the peace and future of the world. The International Court of Justice experienced at first hand the anguish of these grey areas when it considered the question of the *Legality of the Threat or Use of Nuclear Weapons* at the request of your Assembly. While the imperfections of a legal order may make greater flexibility in the interpretation and application of the rule by a court acceptable, or even promote such flexibility, this does not mean that a court can take the legislator's place. Indeed, the International Court of Justice said as much with the utmost clarity in the advisory opinion it delivered on the question I have just referred to, stating that:

> 'The Court . . . states the existing law and does not legislate. This is so even if, in stating and applying the law, the Court necessarily has to specify its scope and sometimes note its general trend.'

There are many systems of law which make it an obligation for a court to rule, even when the law is silent or obscure, but at the same time prohibit it from legislating. By definition, the law cannot provide for every eventuality. Scarcely is it adopted than the courts are faced with a thousand and one problems. The function of the courts consists, precisely, in translating the law into action by imbuing themselves with its spirits, by applying its general precepts, with wisdom and discernment, to the particular eventualities, and, in cases which it has not resolved, by completing the law through 'doctrinal' interpretation. The administration of justice would clearly be impossible if courts were to refrain from ruling whenever the law is obscure or incomplete. What, on the contrary, courts are forbidden to do, this not falling within their functions, is to interpret 'authoritatively' in other words, to reply to essential doubts – or even a legal vacuum – by the creation of a new norm. The creative power of courts, as expressed in the jurisprudential function, is in a relation of dependency as regards the various formal sources of law. It has been said on several occasions that courts must compensate for the shortcomings

of the law, but cannot fill the lacunae in law. When the law itself makes it impossible to reply, in whole or in part, to a question submitted to a court, the court's duty consists in, and is limited to, registering this state of affairs, however disappointing this may seem.

By virtue of the very structure of international society, only States, in an elevated and responsible conception of their sovereignty, can remedy such a situation by speeding up the construction of international law. In this respect, the International Court of Justice can but hope for an expansion and an improvement in the legal bases of its function. Pending that development, the Court's task may in many ways appear thankless, but this does not mean that it therefore ceases to be useful, far from it.

In order to properly assess the contribution of courts to social peace, it is not enough to consider the potentialities or limits of the rule of law which it is their task to apply. For there are other characteristic elements of the judicial function which, although elementary, are nevertheless fundamental: regardless of the legal order in which they operate, courts can only act when requested to do so; and as a rule, they only intervene *a posteriori*.

Courts are always seised; they never seise themselves. In this respect particularly, their function is distinct from the function of the executive. Although this is the well-established principle, the ease with which courts may be seised – and thus the accessibility of their function – as well as the effects of the seisin, nevertheless vary quite appreciably from one legal order to another.

In this respect too, access to courts in highly integrated societies is semi-automatic. Not only are courts competent *a priori*, but if the interests of society as such are challenged, society has adequate means at its disposal for initiating corrective measures by itself seising the courts by taking legal proceedings. In the international order, however, there is nothing comparable. The respect for the sovereignty of States is echoed in the cardinal principle of consensualism. No State can be made subject to the verdicts of courts unless it has already agreed to do so. The International Court of Justice cannot be expected, in the manner of the Security Council, to entertain all the disputes likely to pose a threat to international peace and security. The Court can only intervene at the request and with the consent of the interested parties. However, this structural limitation hampering the Court's action can, in part, be removed; progress towards this end is possible. It probably depends on a more permissive approach to the Court's jurisdiction, on more limited use of preliminary objections by States engaged in proceedings, on a less lax conception of States' consensualism, and lastly, on a clearer perception by all States of the advantages they may jointly derive from submitting their disputes to the Court.

Furthermore, whereas in 'vertical' societies the rulings of courts are not only compulsory but also enforceable, in the international

order, the absence of executive power essentially leaves it for the legal subjects themselves to ensure that legal decisions are respected. The Covenant of the League of Nations, then the Charter, sought to offset the potentially dangerous effects of this situation, in which 'self-help' prevails. In this respect, Article 94 of the Charter has a number of weaknesses, such as the fact that intervention by the Security Council is subordinated to a request by one of the parties; also, the Council is given very wide discretionary power: it 'may' act 'if it deems necessary'. However, it is pleasing to note that, happily, the Judgments of the International Court of Justice have in the past almost always been scrupulously respected.

The fact nevertheless remains that the formal limits placed on the seisin of the international court and on the execution of its rulings render its task all the more arduous when it has to act in a crisis. This therefore further limits its contribution to the maintenance of peace.

A moment ago, I referred to another trait of the judicial function as characteristic as it is constant. It is the function of courts to heal rather than prevent: contrary to the legislator or the executive, the decisions by which courts perform their function are decisions *a posteriori*. Contentious jurisdiction presupposes the existence of a dispute; and, in most legal systems, the party appearing before a court must prove what is commonly termed an 'existing and pending interest'. From this angle, the function of courts is more to 'restore' than to 'maintain peace'; the way they function is rendered all the more delicate because, as is the case in international society, this function does not form part of a structure with an operational machinery. In this respect, the wholly unique nature of the advisory proceedings before the International Court of Justice, whose 'preventive' virtues no longer need to be demonstrated, must be stressed once again.

In addition to these constraints which I have termed 'structural', inherent as they are in the functions of courts, or in the present state of international society, there are some whose character is by no means necessary: I am referring in particular to all those related to the material resources placed at the disposal of courts by society to enable them to fulfil their task. What resources are provided is essentially dependent not just on the prevailing economic, but also the prevailing political situation. Indeed, the resources allocated to courts vary markedly from one society to another – and even, in a given society, vary from one period to another – depending on the importance of the role courts are recognized to have in each of those societies and on the resources at their command. Alas, courts are often the poor relations in our societies and it is still all too common an occurrence that only crises highlighting the impecuniousness of the judicial apparatus prevail over the parsimony of the budgetary authorities towards it. But justice can obviously only be sound if it has a

minimum of resources with which to operate, and on a permanent basis.

In its Report to the General Assembly, it is not customary for the International Court of Justice to mention the material difficulties it encounters in performing its duties. This year, for the first time, it has been compelled to do so. The gravity of the situation left it with no alternative. In fact, however, there is nothing strange about this since, under Article 33 of the Statute of the Court, 'The expenses of the Court shall be borne by the United Nations in such a manner as shall be decided by the General Assembly.' It was therefore most certainly the Court's duty to draw the attention of the Assembly to a situation which seriously imperils the very discharge of the Court's duties. It is not appropriate for me, in this forum, to go into this matter in detail. It is considered at some length in Chapter IV of the Court's Report. Suffice it to say that the Court voices the fear that the reductions in resources required of it are 'beginning to curtail its established levels of judicial service' and are engendering 'delay . . . in discharging its duties'. Among other things the Court states that:

> 'The reality is that the funding of the Court falls considerably short of what is required for it to fulfil its functions . . .
>
> The costs to the Court of ensuring that a case is fairly and impartially heard may not be sufficiently appreciated . . . Yet it has always been recognized that the Court cannot render justice without performing [certain] tasks and it falls to the United Nations to provide it with the requisite means.'

Mr. President, Mr. Secretary-General, Your Excellencies, Ladies and Gentlemen,

It is a particular attribute of any responsible institution to consciously question the limits imposed on its action. Such questioning is all the more essential for an institution which, like the judicial institution, performs a crucial social role; indeed, all the beneficiaries of its work are entitled to know, unambiguously, what they can and cannot expect from it. It was in this resolutely constructive spirit that I wished to share with you these few comments. Let no one see them as betraying apathy or pessimism! Quite the contrary, I cannot conceal my outright satisfaction at being able to state that, notwithstanding all the constraints under which the organ of which I am President has to labour, its activity during the past year has been fruitful as never before.

During the period from 1 August 1995 to 31 July 1996, the Court rendered no less than five decisions, in cases of extreme complexity. To bring off the *tour de force* the Court, contrary to its usual practice of considering only one case at a time, constantly had to deliberate on an average of three cases simultaneously. In response to France's resumption of nuclear testing, New Zealand filed a *Request for an*

Examination of the Situation in Accordance with Paragraph 63 of the Court's Judgment of 20 December 1974 in the Nuclear Tests (New Zealand *v.* France) *Case*. After hearings on whether the request submitted by New Zealand fell within paragraph 63 of the 1974 Judgment, the Court found, in an Order of 22 September 1995, that it did not. It then held three weeks of hearings in October and November 1995 conjointly on two well-known requests for advisory opinions, one filed by the World Health Organization on the *Legality of the Use by a State of Nuclear Weapons in Armed Conflict*, the other filed by this Assembly on the *Legality of the Threat or Use of Nuclear Weapons*. An unprecedented number of States submitted written statements and took part in the hearings on what may be the most important questions ever put to the Court in advisory proceedings. The two Opinions, which required consideration of exceptionally difficult problems, were rendered on 8 July 1996. While considering these requests, the Court was also seised with a request for the indication of provisional measures in the case concerning the *Land and Maritime Boundary between Cameroon and Nigeria (Cameroon* v. *Nigeria)*, and issued an Order on that request on 15 March 1996. The Court also held hearings from 29 April to 3 May 1996 on issues of jurisdiction and admissibility raised in the case concerning *Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosnia and Herzegovina* v. *Yugoslavia)*, and delivered a Judgment on those questions on 11 July 1996.

Since last month, the Court has also been engaged in settling the case concerning oil platforms destroyed in the Gulf during the Iraq-Iran war, a case between the Islamic Republic of Iran and the United States of America.

In conclusion, I should like once again to stress that the place of the law and of courts in international society can only be consolidated, or even expanded, if you as legislators and we as judges together recognize that this process depends on both respect for the task already accomplished — not to say the legal edifice already constructed — and on the meticulous acknowledgment of the new realities of human society. It is absolutely essential that this twofold condition be met if lasting progress is to be ensured in the development of a true community of law at the international level.

At the end of my short statement, I should like to voice a hope as simple as it is fervent: that it be vouchsafed the Court, against all odds, to pursue the awe-inspiring task conferred upon it, with all its grandeur and its limitations. This hope will, I am convinced, be fulfilled if all the States here represented with such distinction, and the Organization which unites us, lend the Court the support it cannot do without.

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On 4 November 1996, the President gave the following address to the Sixth Committee of the General Assembly:

"THE *FORUM PROROGATUM* BEFORE THE INTERNATIONAL COURT OF JUSTICE: THE RESOURCES OF AN INSTITUTION OR THE HIDDEN FACE OF CONSENSUALISM

[Translation]

Mr. Chairman, Your Excellencies, Ladies and Gentlemen,

1. Once again, this year, the Sixth Committee has been so good as to allow the President of the International Court of Justice to occupy its rostrum for a moment, and thus to bear witness to the great interest that it takes in the work of the principal judicial organ of the United Nations. This is a recent and most admirable tradition that I appreciate all the more in that I am aware that your agenda is always very full. Accordingly, on behalf of the Court, I should like to extend my most heartfelt thanks to the Committee for the very kind and generous invitation extended to me to that end. I shall do so through the intermediary of His Excellency Mr. Escobar Salom (Permanent Representative of Venezuela), whom you have just elected as Chairman of your Committee. His election to this high-level demanding office constitutes a well-deserved tribute to his qualities as a jurist and his talents as a diplomat. I extend to him my warmest congratulations and sincere wishes for every success.

2. Last year I already had the honour and the pleasure of sharing with you my thoughts on what I called the "changing fortunes of the jurisdiction of the International Court of Justice". On that occasion, I looked into the reasons for the revival of interest over the past few years in a Court which had been somewhat neglected in the past, and attempted to show that the changing fortunes of the Court and its jurisdiction depended entirely upon the will of the States parties to its Statute, i.e., essentially the member States of the United Nations which you represent on this Committee.

3. One year later, I am delighted to confirm to you that the International Court of Justice is in excellent health, as can be seen from the entry in its General List of a new case by Botswana and Namibia. This case, which concerns the boundary around Kasikili/Sedudu Island, was referred to the Court by notification to the Registry of a Special Agreement or, in other words, an international treaty – the method of seisin adopted for twelve other cases submitted to the jurisdiction of The Hague since 1945. It is precisely the flexibility that characterizes this way of seising the Court that suggested to me the theme of my address today. Indeed, as you know, in contentious cases, the jurisdiction of the Court is based upon the consent of States, and this consent of a State may be expressed at any time. It may be expressed in advance, before a dispute arises, whether by means of a declaration of acceptance of the compulsory jurisdiction of the Court

under Article 36, paragraph 2, of the Statute, or by means of a jurisdictional clause inserted into an international treaty. The consent of the State may likewise be expressed on a case-by-case basis after a dispute has arisen, by means of a special agreement. The notification of a special agreement is not, however, the only way of expressing that consent after a dispute has arisen, as it can actually be manifested in a yet more flexible manner in the form of the *forum prorogatum*.

4. My approach will be to describe to you the principle according to which the *forum prorogatum* operates as an original instrument for seising the Court, and at the same time to demonstrate the very great flexibility of this institution as well as the firm guarantees that it offers, moreover, for the sovereignty of States. It is indeed a method of seisin which, despite its advantages, is unfortunately under-utilized, or even little understood, by States. It would, however, enable the Great Hall of the Peace Palace to be opened to all those States which are still hesitant about accepting the compulsory jurisdiction of the Court by the more formal means of a declaration made in accordance with Article 36, paragraph 2, of the Statute[1], a compromissory clause in a treaty[2] or a special agreement.[3]

5. My address also aims, as you will be aware, to encourage the States parties, which you here represent with such distinction, to have more frequent recourse to the services of the International Court of Justice.

6. The *forum prorogatum* – or, in less erudite terms, the extension of jurisdiction – is, I would remind you, an institution of Roman law inherited by the internal legal systems of a number of countries. According to the *Dictionnaire de la terminologie du droit international* (Dictionary of the Terminology of International Law), the term *'prorogation de juridiction'* ('extension of jurisdiction') means an 'extension, by agreement of the parties, of the jurisdiction of a court to deal with a case which, according to the ordinary rules, did not fall under its jurisdiction'[4]. In its precise technical meaning, the expression thus covers the hypothesis in which the parties to a dispute express their consent to an extension of a court's ordinary jurisdiction. In other words, the jurisdiction of that court, is already established with respect to the parties but those parties agree to 'extend' it to certain aspects of their dispute which would not normally fall within the jurisdiction of that court, and accordingly agree to 'extend' or 'prorogate' a

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[1] To date, 59 of the 187 States parties to the Statute of the Court have made this type of declaration; see the list in *I.C.J. Yearbook 1994-1995*, No. 49, pp. 83-126.

[2] For a list of the treaties and other instruments governing the jurisdiction of the Court, see *ibid.*, pp. 127-146.

[3] Thirteen cases have to date been submitted to the Court by virtue of a special agreement, the most recent being the above-mentioned case concerning the *Kasikili/Sedudu Island (Botswana/Namibia)*; for a list of the other 12 cases, see *ibid.*, p. 71, footnote 1.

[4] *Dictionnaire de la terminologie du droit international*, Paris, Sirey, 1960, p. 481.

jurisdiction which was already in existence with respect to them by the operation of pre-established rules.

7. International tribunals have not failed to exploit all the potential of the *forum prorogatum*, which is ultimately no more than the sanctioning of the necessary and sufficient character of the will of the parties as the basis of jurisdiction. As an institution respectful of the sovereignty of States, the *forum prorogatum* has thus been the object of the development of jurisprudence by both Courts of The Hague[1]. In that development, the Permanent Court of International Justice, and subsequently the International Court of Justice, had to take account of the specificities of the international legal order when they were engaged in transposing the *forum prorogatum*. They have thus conferred upon it some original aspects, so as to open the way to international judicial settlement to the greatest possible extent, while respecting the sovereign will of the parties – a will which, I would stress, lies at the very root of the concept of *forum prorogatum*.

8. The judges of The Hague have in reality conferred an added value upon the traditional concept of *forum prorogatum*, by reason of the non-binding character of the jurisdiction of the Court. This means that *forum prorogatum* possesses, in the international legal order, a broader content than in the internal legal order. Indeed, the judges in The Hague have suggested a broad meaning of the concept of *forum prorogatum*, which does not relate to a mere extension of a – already existing – jurisdiction of the Court but serves as a 'basis' of its jurisdiction with regard to a dispute which would otherwise not fall within that jurisdiction in the absence of another basis for it. In other words, the *forum prorogatum* serves here, as it were, to 'regularize' the jurisdiction of the international tribunal *'a posteriori'*. In this hypothesis, a State files in the Registry of the Court an 'application instituting proceedings' against a State which has not in any way accepted the Court's compulsory jurisdiction. This 'application' can be interpreted as an offer of judicial settlement that the respondent State will be completely free to accept or reject. If it accepts it, the

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[1] With regard to this question, see, for example, Humphrey Waldock, 'Forum Prorogatum or Acceptance of a Unilateral Summons to Appear before the International Court', *The International Law Quarterly*, Vol. 2, No. 3, 1948, pp. 377-391; Shabtai Rosenne, 'The Forum Prorogatum in the International Court of Justice', *Revue hellénique de droit international*, 1953, pp. 1-26; Bohdan Winiarski, 'Quelques réflexions sur le soi-disant forum prorogatum en droit international', in D. S. Constantopoulos, C. T. Eustathiades, C. N. Fragistas (eds.), *Problèmes fondamentaux du droit international – Festschrift für Jean Spiropoulos*, Schimmelbusch & Co., Bonn, 1957, pp. 445-452; Pierre Stillmunkes, 'Le "forum prorogatum" devant la Cour permanente de Justice internationale et la Cour internationale de Justice', *Revue générale de droit international public*, Vol. XXXV, 1964, pp. 665-686; Michel Dubisson, *La Cour internationale de Justice*, Paris, LGDJ, 1964, pp. 198-204; Jacques Soubeyrol, '"Forum prorogatum" et Cour internationale de Justice: de la procédure contentieuse à la procédure consultative', *Revue générale de droit international public*, Vol. XL, 1972, pp. 1098-1104.

Court will consider itself as validly seised and will find that it has jurisdiction to deal with the dispute between those two States.

9. The institution of the *forum prorogatum*, as it presents itself before the Court of The Hague, accordingly designates less the extension – in the strict sense – of the jurisdiction of the Court, than the regularization of an imperfect seisin of the Court. In the first case, the consent of the parties will simply have the effect of 'extending' the Court's jurisdiction; in the second case, it will have a 'retroactive' effect, i.e., that of 'establishing' the jurisdiction of the Court. The latter hypothesis is the one most commonly referred to where the International Court of Justice is concerned. It will be the sole focus of my attention.

10. To begin with, I would stress that neither the Charter of the United Nations, nor the Statute of the Court, nor the Rules of Court prohibit this original form of the creation of jurisdiction. Quite on the contrary, Article 36 of the Statute of the Court provides in its first paragraph that '[t]he jurisdiction of the Court comprises all cases which the parties refer to it . . .'. This provision, taken from the Statute of the Permanent Court of International Justice, is very clear. According to the Permanent Court, it should be understood to mean that:

> 'The Court's jurisdiction depends on the will of the Parties. The Court is always competent once the latter have accepted its jurisdiction, since there is no dispute which States entitled to appear before the Court cannot refer to it.'[1]

What was true of the Permanent Court, which certainly had special links with the League of Nations, but which was not an organ of it, applies *a fortiori* to the present Court, whose Statute is an integral part of the Charter of the United Nations (Art. 92), in accordance with the wishes of the founding fathers of the World Organization to which the Court is thus structurally secured.

11. The openness of the International Court of Justice to all the States of the international community and its dedicated pursuit of universality are all the less surprising in that the Court has been enshrined as 'principal organ' of the United Nations by Article 7 of the Charter, and has been acknowledged to have a paramount role in the life of the Organization and in the management of conflictual relations between member States. While the Charter, in its Article 33, expressly mentions 'judicial settlement' as a means of peaceful settlement of disputes between States, it likewise elevates the Court to the rank of 'principal judicial organ of the United Nations' (Art. 92), to the Statute of which, as it stresses, 'all members of the United Nations are *ipso facto* parties' (Art. 93, para. 1). The present Court has thus

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[1] *Rights of Minorities in Upper Silesia (Minority Schools), Judgment No. 12 of 26 April 1928, P.C.I.J., Series A, No. 15*, p. 22.

been given pride of place both in the machinery for the peaceful settlement of disputes and in the general system for the maintenance of international peace and security established by the Charter. Evidence of this may be found in the fact that Article 36, paragraph 3, provides that, in the exercise of its power of recommendation, the Security Council 'should also take into consideration that legal disputes should as a general rule be referred . . . to the International Court of Justice . . .'.

12. As the International Court of Justice is at one and the same time a principal organ and the principal judicial organ of the United Nations, it follows that it may be seised by any member State of that Organization, on the same basis as the other principal organs such as the General Assembly[1], the Security Council[2] or the Economic and Social Council[3], for example. The right of any member State of the United Nations to enlist the services of the Court is just as real and indisputable as its counterpart, the obligation of all member States to contribute to the operating budget of the Court, a budget which, as you know, forms part of the budget of the United Nations[4].

13. All the same, the services of the Court are not reserved to the member States of the United Nations. The Court is also open to States that are not members of the United Nations but have become parties to its Statute[5]; and is also open to those States which without being parties to its Statute have filed in the Registry of the Court a special declaration whereby, among other things, they accept its jurisdiction[6]. The Court is, then, open to virtually all the States of the world, and is for this reason not unworthy of the title of World Court which is often given to it, presumably to distinguish it more clearly

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[1] Article 11, paragraph 2, of the Charter: 'The General Assembly may discuss any questions relating to the maintenance of international peace and security brought before it by any Member of the United Nations . . .'; see also Article 35, paragraph 1.

[2] Article 35, paragraph 1, of the Charter: 'Any Member of the United Nations may bring any dispute, or any situation of the nature referred to in Article 34, to the attention of the Security Council or the General Assembly.'

[3] Article 66, paragraph 2, of the Charter: '[The Economic and Social Council] may, with the approval of the General Assembly, perform services at the request of Members of the United Nations and at the request of specialized agencies.'

[4] Article 33 of the Statute of the Court: 'The expenses of the Court shall be borne by the United Nations in such a manner as shall be decided by the General Assembly.'

[5] Article 93, paragraph 2; two States that are not members of the United Nations are currently parties to the Statute, i.e., Nauru (General Assembly resolution 42/21 of 18 November 1987; instrument of acceptance filed on 29 January 1988) and Switzerland (General Assembly resolution 91 (I) of 11 December 1946; instrument of acceptance filed on 28 July 1948).

[6] See Article 35, paragraph 2, of the Statute of the Court, as well as Security Council resolution 9 (1946) of 15 October 1946, in which the Council fixes the conditions to be met by the State concerned; declarations of a particular character have thus been filed to date by Albania and Italy, and declarations of a general character filed by Cambodia, Ceylon, Finland, Italy, Japan, Laos, the Federal Republic of Germany and the Republic of Viet Nam.

from other international courts with a regional or specialized function, which are steadily increasing in number.

14. The great openness of the Court to the community of States — whether or not they be parties to its Statute — finds another important illustration in Article 40 of that same Statute. Article 40, paragraph 1, in fact provides that the seisin of the Court can only technically come about by means of a special agreement or application addressed to the Registrar; it makes it clear that in both cases, the subject of the dispute and the parties must be indicated. This Article does not require the indication of the legal provision on which the applicant State claims to found the jurisdiction of the Court. In the event of a seisin of the Court by the notification of a special agreement, the question does not arise in so far as it is precisely the agreement of wills thus formalized between the parties which provides a basis for the Court's jurisdiction. Matters are, however, very different in the case of an application instituting proceedings, which is in fact a unilateral act expressing the consent of the applicant State alone, while that of the respondent State remains to be established. The fact that the Statute lays down no requirement regarding the reference in the application to the provision on which the applicant State claims to found the jurisdiction of the Court says a great deal about the will of those who drafted it to facilitate the access of States to the Court, to the greatest possible extent. It is moreover on the basis of such lack of precise indication that the Court of The Hague has been able to construct the whole of its theory of *forum prorogatum*.

15. The very expression *'forum prorogatum'* would appear to have been used for the first time by the Hague Court in 1934, on the occasion of the revision of Article 35 of the Rules of Court with respect, precisely, to the references that would have to be included in an application instituting proceedings. One of the Members of the Permanent Court had in fact proposed that the Article 35 in question should require the applicant to refer to the treaty provision under which the application would have been filed[1]; a number of other judges did, however, voice some doubts about the appropriateness of such a reference[2]. They stressed the fact that the institution of *forum prorogatum* served the interests of a sound administration of justice and that there was no need to increase the number of mandatory requirements to be met by a State wishing to come before the Court by means of an application. They rightly emphasized that the Rules

[1] Judge Fromageot had in fact proposed that Article 35 of the Rules of Court should require an application to 'mention the Treaty provision under which the application is being filed'; see Amendments proposed by Judge Fromageot on 25 April 1934 in Permanent Court of International Justice, *Series D — Acts and Documents concerning the Organization of the Court. Third Addendum to No. 2 — Elaboration of the Rules of Court of 11 March 1936*, A. W. Sijthoff's Publishing Company, Leyden, 1936, p. 913.

[2] These were in fact Judges Anzilotti, Schücking and van Eysinga.

of Court ought not to be more exacting than the Statute in its Article 40, and that the Court should remain freely and easily accessible[1]. Convinced of the soundness of that argument, the Court finally decided to make the reference by the applicant State to the basis of the Court's jurisdiction optional[2]; Article 32, paragraph 2, of the Rules of Court adopted on 11 March 1936 would in fact provide that the application 'must also, *as far as possible*, specify the provision on which the applicant founds the jurisdiction of the Court' (emphasis added).

16. This provision was included in all the successive versions of the Rules of Court, including the present-day Rules which provide, in Article 38, paragraph 2, that the application instituting proceedings 'shall specify as far as possible the legal grounds upon which the

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[1] 'It appeared to M. Anzilotti that, according to the Statute and the Covenant, the Court always had jurisdiction if the parties were agreed. The Court's jurisprudence had recognized the possibility of its jurisdiction being based on an agreement arrived at between the parties, independently of any formal act. He considered that if a State submitted an application, and the State against whom the action was brought did not raise a plea to the jurisdiction, the Court was competent, under the Statute. Moreover, it was questionable whether a clause of this kind was expedient from a practical point of view. For it was not impossible that a State, which found it difficult to accept a special agreement, might yet refrain from objecting to an application being filed against it, and, surely, they should do nothing to deter States from bringing their disputes to the Court.' (See the Minutes of the Ninth Meeting held at the Peace Palace on Thursday, 24 May 1934, *op. cit.*, p. 221, footnote 1, pp. 67-68.)

'M. Schücking agreed with M. Anzilotti that it was not desirable to insist on the application containing a reference to the treaty clause upon which it was based. The institution of the *forum prorogatum* had been introduced into the procedure by the Court's practice, in particular in Judgment No. 12, and it was in the interests of the good administration of justice. If they now made it a necessary condition for the admissibility of an application that it must specify the treaty clause, and if, in a given case, the applicant were unable to specify it because no such clause existed, the Court would be compelled to reject the application *a limine*. But that would amount to abolishing the institution of the *forum prorogatum*, and, in his view, that would not be in the interests of international justice.' (*Ibid.*, p. 69.)

'Jonkheer van Eysinga said he could agree with all that MM. Schücking and Anzilotti had said; but he wished to emphasize, in addition, the necessity of there being free and easy access to the Court of Justice. The idea that a case could be brought before it in a very short space of time was one of the corner-stones of that institution. As early as 1907, when efforts were made to set up a Court of Arbitral Justice, alongside the Permanent Court of Arbitration, the words "The Court must be freely and easily accessible" were employed. He therefore considered that M. Schücking had been right in warning them against multiplying the conditions which a State had to fulfil in order to bring a case before the Court by application. They must beware of adding anything to the points specified in Article 40 of the Statute, beyond what was already laid down in the existing Article 35 of the Rules.' (*Ibid.*, pp. 69-70.).

[2] Judge Fromageot had in fact proposed the insertion into Article 35, paragraph 2, of the Rules of Court of the following compromise formula: '[the application] must also, as far as possible, specify the provision . . .'. His proposal was adopted by the Court; see the Minutes of the Nineteenth Meeting held in the Peace Palace on Friday, 1 June 1934, *ibid.*, p. 160.

jurisdiction of the Court is said to be based'. The optional character of that specification provides the clearest possible proof of the great flexibility which the Statute offers to the applicant State. That State sees itself thus authorized to invite another State to accept the jurisdiction of the Court on the occasion of a specific dispute, thus opening the way to a possible *forum prorogatum*.

17. In 1948, in its very first Judgment – which was, I would remind you, in the *Corfu Channel* case – the present Court had occasion to acknowledge, albeit implicitly, that a case could be brought before it not only by the notification of a special agreement or an application based upon the compulsory jurisdiction of the Court (Article 36, paragraph 2, or a jurisdictional clause in a treaty), but also by an application not based on such compulsory jurisdiction. It declared that:

> 'Article 32, paragraph 2, of the Rules does not require the Applicant, as an absolute necessity, but only "as far as possible", to specify in the application the provision on which he founds the jurisdiction of the Court. It clearly implies, both by its actual terms and by the reasons underlying it, *that the institution of proceedings by application is not exclusively reserved for the domain of compulsory jurisdiction*.'[1] (Emphasis added.)

The Court added that 'in submitting the case by means of an Application, the Government of the United Kingdom gave the Albanian Government the opportunity of accepting the jurisdiction of the Court'; *adding that* 'there is nothing to prevent the acceptance of jurisdiction, as in the present case, from being effected by two separate and successive acts, instead of jointly and beforehand by a special agreement'[2].

18. I would nevertheless point out that, although the Statute and the Rules of Court seek to facilitate as far as possible the access to the Court of the applicant State, they nonetheless protect the interests of the other State, i.e., the potential respondent. Indeed, since the revision of the Rules of Court in 1978, they expressly provide, in Article 38, paragraph 5, that in a case where the applicant State's intention is to found the jurisdiction of the Court upon a consent not yet given or manifested by the State against which the application is made, the application is transmitted to that State, and to that State only. That is a first precaution. This innovation is essentially aimed at forestalling any undue political exploitation of the 'case' and preventing its being given any untimely publicity. In the case of a standard application on the other hand, the Registrar of the Court transmits copies to the Secretary-General of the United Nations and to all States entitled to appear before the Court (Article 42 of the Rules). The second precaution now laid down in Article 38, paragraph 5, of

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[1] *Corfu Channel, Preliminary Objection, Judgment of 25 March 1948, I.C.J. Reports 1947-1948*, p. 27.

[2] *Ibid.*, p. 28.

the Rules of Court, in the event of a consent not yet given, is that the application shall not be entered in the General List and no action shall be taken in the proceedings unless and until the State against which such application is made consents to the Court's jurisdiction for the purposes of the case (Article 38, paragraph 5, of the Rules of Court). The consequence is that the dispute thus submitted to the Court forming the object of such an application is not considered in legal terms as constituting a 'case' and is not counted as such by the Registrar. In other words, the case in question is not yet officially a case. That official status depends exclusively upon the goodwill of the State against which the application has been brought.

19. I would like to stress once again that the institution of the *forum prorogatum* in no way calls into question the firmly established principle of the consent of a State to the jurisdiction of the Court. However, if the expression of a State's consent is indeed a necessary condition of the Court's jurisdiction, it is also a sufficient condition, and the way or form in which it is expressed is relatively unimportant. On the other hand, once consent has been given, it cannot be withdrawn. This sums up the whole philosophy underlying the institution of *forum prorogatum*.

20. The *forum prorogatum* is thus in the first place, the requirement of the consent of the parties. As is clearly apparent from Article 36 of the Statute, the jurisdiction of the Court is based upon the consent of the parties. Consensualism, a corollary of the sovereign equality of States, is a cardinal principle of the international judicial settlement of disputes.

21. This principle was the subject of long and laborious discussions during the elaboration of the Statute of the Permanent Court of International Justice, on which the Statute of the present Court is modelled. It will be recalled that, when the draft Statute of the future Permanent Court of International Justice was discussed before the first Assembly of the League of Nations, the question of the binding character of the jurisdiction of that Court was the focus of a passionate debate between those who were in favour of binding jurisdiction and those that were fiercely opposed to it. A compromise solution was proposed to the Third Committee by the delegate of Brazil Mr. Raul Fernandes), which made it possible to bring the different positions closer together[1]. The representative of Brazil in

[1] During the sixth meeting of the Committee held on 9 December 1920, the Chairman, Léon Bourgeois, asked Mr. Fernandes to present his draft scheme to settle the question on which the Committee had not been able to reach agreement on the previous day:

'M. Fernandes (Brazil) recalled the two opposing theses which has been defended on the previous day. He thought it would be possible to reconcile the two points of view by introducing into the draft scheme an alternative stipulation giving compulsory jurisdiction to the Court. Such a stipulation would, according to the Council, be outside the scope of the Covenant; consequently, it would have to be ratified under the Covenant. By giving the clause, for which ratification would be required, the character of an amendment to the Covenant, the risk of establishing

fact proposed an alternative formula which may be considered as the direct forebear of the future optional clause of compulsory jurisdiction in Article 36, paragraph 2, of the Statute of the Court. That proposal[1] was accepted by the Third Committee and then by the Assembly of the League of Nations meeting in plenary on 13 December 1920[2], which put an end to the most lively controversy to have been occasioned by the creation of the Permanent Court of International Justice.

22. It will come as no surprise that, under those circumstances, the Permanent Court should have sought to stress the importance of consensualism — the only basis of its jurisdiction — as from its second Judgment. It highlighted 'the fact that its jurisdiction is limited, that it is invariably based on the consent of the respondent and only exists in so far as this consent has been given . . .'[3].

23. It was with just as much vigour that the present-day Court made a point of asserting the absolute character of the principle of consent of the parties, as early as 1948. Accordingly, it declared that 'the consent of the parties confers jurisdiction on the Court' in its Judgment in the *Corfu Channel* case (preliminary objection) to which reference has already been made[4]. It subsequently lost no opportunity to stress the sacrosanct character of that principle. In 1950, in its Advisory Opinion relating to the *Interpretation of Peace Treaties*, it declared for example that 'the consent of States parties to a dispute is the basis of the Court's jurisdiction in contentious cases'[5]. A few years later, in the case concerning the *Monetary Gold Removed from Rome in 1943*, the Court observed that to decide the question of the international responsibility of a third State without the consent of that State 'would run counter to a well-established principle of international law embodied in the Court's Statute, namely, that the Court can only exercise jurisdiction over a State with its consent'[6].

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a precedent dangerous to the authority of the Assembly would be avoided.' (Permanent Court of International Justice, *Documents concerning the Action Taken by the Council of the League of Nations under Article 14 of the Covenant and the Adoption by the Assembly of the Statute of the Permanent Court* (no place or date of publication), p. 100.)

[1] For the text of Mr. Fernandes's proposal, see *ibid.*, p. 168.

[2] See Resolution concerning the establishment of a Permanent Court of International Justice passed by the Assembly of the League of Nations at Geneva on 13 December 1920, *ibid.*, p. 257.

[3] *Mavrommatis Palestine Concessions, Judgment No. 2, P.C.I.J., Series A, No. 2*, p. 16; 'the Court's jurisdiction depends on the will of the parties', *Rights of Minorities in Upper Silesia (Minority Schools), Judgment No. 12, P.C.I.J., Series A, No. 15*, pp. 22-23.

[4] *Corfu Channel, Preliminary Objection, Judgment of 25 March 1948, I.C.J. Reports 1947-1948*, p. 27.

[5] *Interpretation of Peace Treaties, Advisory Opinion, I.C.J. Reports 1950*, p. 71.

[6] *Monetary Gold Removed from Rome in 1943, Preliminary Question, Judgment of 15 June 1954, I.C.J. Reports 1954*, p. 32; see also the Judgment of 11 September 1992 in the case concerning the *Land, Island and Maritime Frontier Dispute*, in which the

24. Before the revision of the Rules of Court in 1978 and the adoption of Article 38, paragraph 5, to which I was referring a moment ago, applications in which was recognized that the State against which these instruments had been invoked had not accepted the jurisdiction of the Court were entered in the General List. The Court was thus called upon to rule on such applications on eight occasions. In each case, it noted that, failing the acceptance of its jurisdiction by the State concerned, it could not give effect to the application, and therefore ordered the entries in the General List to be removed. In this regard, I would call to mind the two applications filed by the United States of America against Hungary and the USSR in relation to the *Treatment in Hungary of Aircraft and Crew of United States of America*, or those filed by the United Kingdom against Chile and Argentina in relation to *Antarctica*[1]. I would remind you that in these eight 'cases', the United States of America and the United Kingdom had acknowledged in the terms of their Applications that the States against which these had been filed had not accepted the jurisdiction of the Court but were nonetheless 'qualified' – or 'legally qualified' – to do so; to that end they invoked Article 36, paragraph 1, of the Statute of the Court according to which 'the jurisdiction of the Court comprises all cases which the parties refer to it'. The States against which those Applications had been filed did not accept the jurisdiction of the Court to deal with the matters referred to it, and those cases were removed from the Court's General List.

25. While the consent of the State is indeed a condition *sine qua non* of the Court's jurisdiction, its expression is not, on the other hand, submitted to any particular requirement of form. One cannot sufficiently stress that Article 36, paragraph 1, of the Statute provides that the jurisdiction of the Court comprises all cases which the parties may care to refer to it, so that the essential element is the existence of the consent of the parties. The form of that consent and the time at which it is given expression are ultimately of no more than a secondary importance, as the *forum prorogatum* is also the absence of formalism in the expression of the consent of the parties.

26. Indeed, as the Permanent Court of International Justice quite rightly indicated in the case concerning *Minority Schools in Upper-Silesia*

> '[t]he acceptance by a State of the Court's jurisdiction in a particular case is not, under the Statute, subordinated to the

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Court made a point of stressing that 'the jurisdiction of the Chamber, as of the Court, depends upon the consent of the parties . . . as it is only from the meeting of minds . . . that jurisdiction is created' (*I.C.J. Reports 1992*, p. 585, para. 378).

[1] The other four cases are the following: *Aerial Incident of 10 March 1953 (United States of America* v. *Czechoslovakia)*, *Aerial Incident of 7 October 1952 (United States of America* v. *USSR)*, *Aerial Incident of 4 September 1954 (United States of America* v. *USSR)*, *Aerial Incident of 7 November 1954 (United States of America* v. *USSR)*.

observance of certain forms, such as, for instance, the previous conclusion of a special agreement'[1].

The present Court also had occasion to recall this principle in its very first Judgment as follows: '[w]hile the consent of the parties confers jurisdiction on the Court, neither the Statute nor the Rules require that this consent be expressed in any particular form'[2].

27. The consent of the State may, in fact, be expressed in various different ways. It may be express or tacit, in other words, it may be deduced from a declaration just as from mere conduct. The essential point is that it should not be equivocal.

28. Hence, in the *Mavrommatis* case judged by the Permanent Court of International Justice, the Hellenic Government had based the jurisdiction of the Court on Articles 11 and 26 of the terms of the Mandate for Palestine. In its second Judgment delivered in this case, the Permanent Court, after recognizing that its jurisdiction could not extend to acts not covered by Article 11 of the Mandate, nevertheless concluded that:

'[i]t is not by reason of the jurisdiction conferred on the Court under Article 26 of the Mandate, but in consequence of an agreement between the Parties resulting from the written proceedings, that the Court has jurisdiction (Article 36, first paragraph, of the Statute) to decide whether M. Mavrommatis' Jerusalem Concessions fall to be dealt with under Articles 4 and 5, or Article 6 of the Protocol'[3].

29. The Permanent Court thus recognized the adequacy, for the purposes of establishing its jurisdiction, of the simple declaration made by the respondent State during the proceedings, accepting the decision by the Court on a question which, in the view of the Court, did not otherwise fall within its jurisdiction.

30. Three years later, the same Permanent Court had occasion to be yet more explicit regarding the manner in which the consent of a State may be expressed; on that occasion, it conferred its letters patent on the institution of the *forum prorogatum*, even though it was careful not to mention it. According to the Permanent Court,

'there seems to be no doubt that the consent of a State to the submission of a dispute to the Court may not only result from an express declaration, but may also be inferred from acts conclusively establishing it. It seems hard to deny that the submission

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[1] *Rights of Minorities in Upper Silesia (Minority Schools), Judgment No. 12, 1928, P.C.I.J., Series A, No. 15*, p. 23.

[2] *Corfu Channel, Preliminary Objection, Judgment, 1948, I.C.J. Reports 1947-1948*, p. 27.

[3] *Mavrommatis Jerusalem Concessions, Judgment No. 5, 1925, P.C.I.J., Series A, No. 5*, pp. 27-28.

of arguments on the merits, without making reservations in regard to the question of jurisdiction, must be regarded as an unequivocal indication of the desire of a State to obtain a decision on the merits of the suit. And, as the Court has already observed, the submissions of the Counter-Case aim at a decision on the merits.'[1]

31. The Permanent Court of International Justice subsequently had to declare itself competent in a number of other cases after noting the existence of the tacit consent of the respondent State[2].

32. The present Court also had occasion to rule on the existence of the express or implicit consent of the respondent State to its jurisdiction. Hence, in 1948, in its first Judgment in the *Corfu Channel* case, the Court had found that a letter accepting its jurisdiction addressed to the Registrar by the Albanian Government constituted 'a voluntary and indisputable acceptance of the Court's jurisdiction'[3].

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[1] *Rights of Minorities in Upper Silesia (Minority Schools), Judgment No. 12, 1928, P.C.I.J., Series A, No. 15*, p. 24.

[2] This was the case, for example, in the case concerning *Factory at Chorzów*, in which the Permanent Court declared that:

> 'In the subsequent proceedings, the Polish Government has not made any statement in regard to the question of the Court's jurisdiction. It is impossible, therefore, to say whether it accepts the view of the German Government according to which it may be inferred that such jurisdiction exists under the Convention between Germany and Poland initialled at Locarno on October 16th, 1925, or whether it contends that the Court has jurisdiction on some other basis. In any case, it is certain that it has not withdrawn its claim and that, consequently, it wishes the Court to give judgment on the submission in question. For its part the German Government, though basing the Court's jurisdiction on the Locarno Convention, seems above all anxious that the Court should give judgment on this submission in the course of the present proceedings.
>
> The Parties therefore are agreed in submitting to the Court for decision the question raised by this submission. As the Court has said in Judgment No. 12 . . . Article 36 of the Statute establishes the principle that the Court's jurisdiction depends on the will of the Parties; the Court therefore is always competent once the latter have accepted its jurisdiction . . .' (*Factory at Chorzów, Merits, Judgment No. 13, 1928, P.C.I.J., Series A, No. 17*, p. 37.)

Seised by the Greek Government of a request for an interpretation of a judgment delivered a few months previously, relating to the Neuilly Peace Treaty, the Permanent Court had also been led to state that,

> 'Whereas the Agent of the Bulgarian Government, in his letter of December 30th, 1924, submitted observations regarding the Greek Government's request for an interpretation, without disputing the Court's jurisdiction to give such interpretation; and as therefore the Court has jurisdiction to do so as the result of this agreement between the Parties, so that there is no need for the Court to consider in the present case whether, in the absence of a definite dispute between the Parties regarding the interpretation of the judgment of September 12th, 1924, the requisite jurisdiction could be based exclusively on the unilateral request made by the Greek Government.' (*Interpretation of Judgment No. 3, Judgment No. 4, 1925, P.C.I.J., Series A, No. 4*, pp. 5-6.)

[3] *Corfu Channel, Preliminary Objection, Judgment, 1948, I.C.J. Reports 1947-1948*, p. 27.

In its Judgment on the merits delivered the following year in connection with the same case, the Court had moreover found that a declaration contained in the Rejoinder of the Albanian Government was to be considered as an implied acceptance of the jurisdiction of the Court[1]. It was in the same spirit that, in its Judgment in the case concerning *Haya de la Torre*, delivered in 1951, the Court founded its jurisdiction on the attitude of the Parties, which had, in fact, discussed the merits of all the questions submitted to the Court and had expressed no objection to a decision on the merits[2]. And just recently, in its Judgment of 11 July 1996, delivered in the case concerning *Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosnia and Herzegovina* v. *Yugoslavia)*, the Court, while concluding that this was not so in this case, again acknowledged that consent to its jurisdiction could, in principle, be given tacitly.

33. Although not formalistic, the Court is nevertheless very exacting in its verification of that consent. Hence, in the *Ambatielos* case, the Court had noted a discrepancy between the views of the Greek Government and the Government of the United Kingdom regarding its competence to settle a particular point in the dispute; the Court made no hesitation in drawing the following conclusion:

> '[t]his discrepancy throws some doubt on the existence of any unequivocal agreement between the Parties upon this matter. The Court has, however, no doubt that in the absence of a clear agreement between the Parties in this respect, the Court has no jurisdiction to go into all the merits of the present case . . .'[3]

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[1] 'The subsequent attitude of the Parties shows that it was not their intention, by entering into the Special Agreement, to preclude the Court from fixing the amount of the compensation. In its Reply (paragraph 71) the United Kingdom Government maintained the submissions contained in paragraph 96 of its Memorial, including the claim for a fixed amount of reparation. This claim was expressly repeated in the final United Kingdom submissions. In paragraph 52 of its Counter-Memorial, the Albanian Government stated that it had no knowledge of the loss of human life and damage to ships, but it did not contest the Court's competence to decide this question. In the Rejoinder, paragraph 96, that Government declared that, owing to its claim for the dismissal of the case, it was unnecessary for it to examine the United Kingdom's claim for reparation. *[Translation]* "It reserves the right if need be, to discuss this point which should obviously form the subject of an expert opinion." Having regard to what is said above as to the previous attitude of that Government, *this statement must be considered as an implied acceptance of the Court's jurisdiction to decide this question.*' (Emphasis added.) (*Corfu Channel, Merits, Judgment of 9 April 1949, I.C.J. Reports 1949*, p. 25.)

[2] 'The Parties have in the present case consented to the jurisdiction of the Court. All the questions submitted to it have been argued by them on the merits, and no objection has been made to a decision on the merits. This conduct of the Parties is sufficient to confer jurisdiction on the Court.' (*Haya de la Torre, Judgment, I.C.J. Reports 1951*, p. 78.)

[3] *Ambatielos, Preliminary Objection, Judgment, I.C.J. Reports 1952*, p. 39.

There is thus no room for doubt when the Court has to ascertain the reality of the consent of one of the parties.

34. Whereas the Court displays great prudence in its investigations regarding the existence of the will of the parties – without for all that yielding to excessive formalism in this respect – it exhibits equal rigour and firmness with respect to the legal effects of such consent. Indeed, the Court has on several occasions ruled that, once freely expressed, consent to its jurisdiction can no longer be revoked by the respondent State; the irrevocability of consent is another important characteristic of the *forum prorogatum*.

35. Hence, in accepting the jurisdiction of the Court, the Respondent cannot subsequently retract that acceptance. This is merely the expression of the principle of non-contradiction, which lays down, among other things, that a State must be consistent in its declarations, as in its acts. If it does not respect its undertakings, it is internationally responsible with respect to the State in which it has fostered an erroneous conviction, in this case, the acceptance of the jurisdiction of the Court. As regards consent to the jurisdiction of the Court, as in every other domain, the old adage 'you cannot give with one hand and take away with the other' fully applies.

36. As the Permanent Court of International Justice for example ruled, if a respondent State

> 'has, by an express declaration, indicated [its] desire to obtain a decision on the merits and [its] intention to abstain from raising the question of jurisdiction, it seems clear that [it] cannot . . . go back on that declaration'[1].

The present Court essentially confirmed that viewpoint in its first Judgment delivered in the *Corfu Channel* case[2].

37. From this brief summary of the decisions of the two Hague Courts, it may be concluded that, on the threshold of the 1950s, the theory of *forum prorogatum* already formed the object of quite an elaborate jurisprudential edifice. In less than thirty years of accumu-

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[1] 'If, in a special case, the Respondent has, by an express declaration, indicated his desire to obtain a decision on the merits and his intention to abstain from raising the question of jurisdiction, it seems clear that he cannot, later on in the proceedings, go back upon that declaration. This would not hold good only if the conditions under which the declaration had been made were such as to invalidate the expression of intention, or if the Applicant had, in the subsequent proceedings, essentially modified the aspect of the case, so that the consent, given on the basis of the original claim, could not reasonably be held to apply to the claim in the form which it now assumes. And, in the Court's opinion, there is no reason for dealing otherwise with cases in which the intention of submitting a matter to the Court for decision has been implicitly shown by the fact of arguing the merits without reserving the question of jurisdiction.' (*Rights of Minorities in Upper Silesia (Minority Schools), Judgment No. 12, 1928, P.C.I.J., Series A, No. 15*, p. 25.)

[2] *Corfu Channel, Preliminary Objection, Judgment, 1948, I.C.J. Reports 1947-1948*, p. 29.

lated activity, the Permanent Court of International Justice, then the present Court, thus fashioned an original and flexible jurisdictional instrument, and had done so using the only material at their disposal: the principle of the consent of the parties to their jurisdiction. In fact, the fundamental importance of the consent of the parties has never been lost sight of by the Court: be it express or tacit, the essential point is that the will of the parties should be expressed in an 'unequivocal, voluntary and indisputable manner', to use the Court's own terminology. It is self-evident that once a State has given its consent, it cannot be withdrawn.

38. Although an original and flexible institution at the service of the States entitled to appear before the Court, the *forum prorogatum* was not formally consecrated until 1952. It was in its Judgment delivered in the case concerning the *Anglo-Iranian Oil Co.* that the Court first used the expression *forum prorogatum*, and at the same time spelled out precisely what the institution thus designated meant. As the Court put it,

> '[t]he principle of *forum prorogatum*, if it could be applied to the present case, would have to be based on some conduct or statement of the Government of Iran which involves an element of consent regarding the jurisdiction of the Court'[1].

The requirement of consent was thus highlighted, as were the expressions used to express that consent. In the same case, the Court declined to note the existence of a *forum prorogatum*, as it was unable to deduce any element of consent from the conduct of the respondent State[2].

39. The Court subsequently again had occasion to confirm its case-law on this topic, and not only in contentious proceedings, such as in the case concerning *Barcelona Traction*[3], or more recently in

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[1] Case concerning *Anglo-Iranian Oil Co., Judgment, I.C.J. Reports 1952*, p. 114.

[2] *Ibid.*

[3] In its Judgment delivered in 1964 in this case, the Court considered the preliminary objections raised by Spain and declared, in this connection:

> 'The Respondent Government, in the course of the diplomatic correspondence preceding the original proceedings before the Court, and in particular in the Notes exchanged in the period May 1957 to February 1958, implicitly recognized the competence of the Court for the purposes of Article 17 (4) of the 1927 Treaty, and challenged the right of the Applicant Government to resort to the Court only on grounds connected with the third and fourth Preliminary Objections in the present case. It did not demur when the Applicant stated that the International Court of Justice had been substituted for the Permanent Court in Article 17 (4) of the Treaty. It did not even broach the possibility that there might be a question as to the competence of the Court *qua* forum. If this attitude was based on the assumption that Article 37 of the Statute – by which the Respondent had by then become bound – conferred jurisdiction on the Court (an assumption the correctness of which the reasoning of the decision in the *Israel* v. *Bulgaria* case might appear to call in question), then the present finding of the Court, that this assumption was in fact correct, operates to restore the basis on

the case concerning *Application of the Convention on the Prevention and Punishment of the Crime of Genocide*[1], but also in advisory proceedings, such as in the case concerning *South West Africa*. As South Africa had raised the question of the Court's jurisdiction, the Court observed that South Africa had given its consent by participating in the proceedings and addressing the merits[2].

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which the Respondent itself appears originally to have recognized the same thing.' (*Barcelona Traction, Light and Power Company, Limited, Preliminary Objections, Judgment, I.C.J. Reports 1964*, p. 36.)

[1] In its Judgment delivered on 11 July 1996 on the preliminary objections in the case concerning *Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosnia and Herzegovina v. Yugoslavia)*, the Court stated that:

'40. Lastly, at a later stage of the proceedings, Bosnia and Herzegovina advanced two related arguments aimed at basing the Court's jurisdiction in this case on still other grounds.

According to the first of those arguments, Yugoslavia, by various aspects of its conduct in the course of the incidental proceedings set in motion by the requests for the indication of provisional measures, had acquiesced in the jurisdiction of the Court on the basis of Article IX of the Genocide Convention. As the Court has already reached the conclusion that it has jurisdiction on the basis of that provision, it need no longer consider that question.

According to the second argument, as Yugoslavia, on 1 April 1993, itself called for the indication of provisional measures some of which were aimed at the preservation of rights not covered by the Genocide Convention, it was said, in accordance with the doctrine of *forum prorogatum* (*stricto sensu*), to have given its consent to the exercise by the Court, in the present case, of a wider jurisdiction than that provided for in Article IX of the Convention. Given the nature of both the provisional measures subsequently requested by Yugoslavia on 9 August 1993 — which were aimed exclusively at the preservation of rights conferred by the Genocide Convention — and the unequivocal declarations whereby Yugoslavia consistently contended during the subsequent proceedings that the Court lacked jurisdiction — whether on the basis of the Genocide Convention or on any other basis — the Court finds that it must confirm the provisional conclusion that it reached on that subject in its Order of 13 September 1993 (*I.C.J. Reports 1993*, pp. 341-342, para. 34). The Court does not find that the Respondent has given in this case a "voluntary and indisputable" consent (see *Corfu Channel, Preliminary Objection, Judgment, 1948, I.C.J. Reports 1947-1948*, p. 27) which would confer upon it a jurisdiction exceeding that which it has already acknowledged to have been conferred upon it by Article IX of the Genocide Convention.' (*I.C.J. Reports 1996*, pp. 620-621.)

[2] In this case, South Africa had maintained that the Court should decline to act upon the request for an advisory opinion made by the Security Council, because the legal question it concerned related to an existing dispute between South Africa and other States. In this connection, the Court stated that:

'South Africa, as a Member of the United Nations, is bound by Article 96 of the Charter, which empowers the Security Council to request advisory opinions on any legal question. It has appeared before the Court, participated in both the written and oral proceedings and, while raising specific objections against the competence of the Court, has addressed itself to the merits of the question.' (*Legal Consequences for States of the Continued Presence of South Africa in Namibia (South West Africa) notwithstanding Security Council Resolution 276 (1970), Advisory Opinion, I.C.J. Reports 1971*, pp. 23-24, para. 31.)

'. . . The Court does not find either that in this case the advisory opinion concerns a dispute between South Africa and the United Nations. In the course of the

40. The exercise I have undertaken was a delicate one, consisting as it did in encouraging States to come to The Hague, at the same time seeking to avoid two pitfalls, namely:

the submission of artificial cases to the Court, or its exploitation for political purposes;
the abandonment by States of the traditional methods of recognizing the jurisdiction of the Court in accordance with Article 36 of the Statute.

41. Under the terms of both the Charter and its Statute, the Court is a judicial organ. It cannot, therefore, be used for other purposes. On this point, I have already indicated that the Rules of Court are worded precisely so as to avoid a rash of artificial cases or the political exploitation of a dispute by a State. When an applicant State's 'intention is to found the jurisdiction of the Court upon a consent not yet given or manifested by the State against which the application is made', only the consent of that State can transform the application into a legal instrument genuinely capable of 'instituting' proceedings before the Court, of effecting its 'seisin' in the strict sense of the word. The institution of the *forum prorogatum* protects the interests of the State against which the application is made; it sanctifies its consent and merely reinforces the principle of consensualism in its concrete application. The sole aim of the jurisprudential progress which has been made to date in this domain is to permit the communication to the respondent State of the offer of a legal settlement addressed to it by the applicant State through an application and to set out the modalities for the acceptance of that offer. The Court will ultimately not declare itself competent until the consent of all the parties to the dispute has been established beyond doubt.

42. A manifestation of the sovereign will of the parties, the *forum prorogatum* is ultimately just one way among many others of expressing consent to the jurisdiction of the Court. Contrary to the declaration provided for in Article 36, paragraph 2, of the Statute, or to conventional jurisdictional clauses, the institution of the *forum pro-*

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oral proceedings Counsel for the Government of South Africa stated:

"... our submission is not that the question is a dispute, but that in order to answer the question the Court will have to decide legal and factual issues which are actually in dispute between South Africa and other States".

The fact that, in the course of its reasoning, and in order to answer the question submitted to it, the Court may have to pronounce on legal issues upon which radically divergent views exist between South Africa and the United Nations, does not convert the present case into a dispute nor bring it within the compass of Articles 82 and 83 of the Rules of Court. A similar position existed in the three previous advisory proceedings concerning South West Africa: in none of them did South Africa claim that there was a dispute, nor did the Court feel it necessary to apply the Rules of Court concerning "a legal question actually pending between two or more States".' (*Ibid.*, p. 24, paras. 33-34.)

rogatum nevertheless presents the advantage of flexibility inasmuch as it is regarded as the manifestation of the consent of States to the jurisdiction of the Court after a dispute has arisen; it shares this flexibility with the special agreement conferring jurisdiction, yet without any of its formalism. On the other hand, the predictability of the jurisdiction of the Court, which is the strength of both the optional declaration of the acceptance of the compulsory jurisdiction of the Court and of jurisdictional clauses is not a feature of the *forum prorogatum* and this is the principle weakness of that institution.

43. My aim was to call to mind the existence and the *modus operandi* of an original instrument for seising the Court. In so doing, it was my intention to encourage increased recourse by States to the principle judicial organ of the United Nations. It is in the same spirit that I invite you to regard the *forum prorogatum* simply as a useful complement, not a substitute, to the other more formal methods of accepting the jurisdiction of the Court, which must, consequently, continue to enjoy the favour they have enjoyed hitherto by most of the Member States which you here represent.

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On the same day, the President gave the following address to the sixth informal meeting of Legal Advisers to Ministries of Foreign Affairs of States Members of the United Nations:

"THE 'MANUFACTURE', OF JUDGMENTS AT THE INTERNATIONAL COURT OF JUSTICE

[Translation]

1. The functions of a judge at the International Court of Justice may be summed up in four verbs: to read, to listen, to deliberate and to decide. It is, you see, not too complicated a profession and yet it may be simplified still more by casting some light upon the most mysterious of the four verbs: deliberate. Hence, before describing the various phases of that deliberation, I shall have to perform a lengthy prelude on the theme of the adversary procedure. Some idea has to be given of the mass of materials which, in the course of the proceedings, accumulate in the depot known as the case file, pending their transfer into the processing plant, i.e. the deliberation. These materials derive from various sources and arrive by stages.

2. The *first stage* consists in the institution of the contentious proceedings, whether through an application or through the filing of a 'special agreement' concluded between two or more States for the purpose of seising the Court of a dispute between them.

3. The *second stage* in the supply of materials is known as the written proceedings. I shall here set aside such possible incidents as requests for the indication of provisional measures, important

though they may be, and, to avoid over-complication, will suppose that no such incidents arise.

4. The inception of a case by a unilateral application lends a systematically adversary character to the procedure as it takes its course during the written proceedings phase. It thus begins with an attack, in which the applicant elaborates in a Memorial the allegations outlined in the application, and continues with a defence, in which the respondent devotes a Counter-Memorial to refuting the contentions of its opponent. If the Court so orders – as it will normally do if the parties so request – there will then follow a second round, in which the applicant attempts in a Reply to tear the Counter-Memorial to shreds, and the respondent deploys a Rejoinder, to demolish the Reply. This is a useful if sometimes leisurely way of clearing the ground so that the war horses will have room to manœuvre in the forensic tilting of the oral proceedings.

5. The written procedure in a case introduced by special agreement is marked, on the contrary, by parallelism and simultaneity. It is the third round which is optional in the case of proceedings instituted by special agreement, since the parties may request permission for each of them to submit a Reply, thus bringing the number of pleadings to six. It is undeniable that making provision for three rounds of pleadings does not evince excessive haste. One may conclude that in these cases one of the main attractions of judicial settlement is its stately pace, and the possibility it affords of being able to put off the solution of a thorny problem for as long as desired. It is of course quite legitimate to avail oneself of this possibility, but then in fairness it must be realized that it may be quite wrong to foist upon the Court itself the reputation of being slow and heavy.

6. Did I say heavy? In the famous *Barcelona Traction* case, though it owes its celebrity to the time it lasted rather than for the bulk of its documentation, the pleadings weighed 25 kilograms. They amounted to 60,776 pages in all, including the annexes. But even in the average case the pleadings are voluminous even if they do not run to such impressive figures. However, the case was far from being an isolated instance. The case between Tunisia and Libya concerning the *Continental Shelf*, and the *Gulf of Maine* case between Canada and the United States, bade fair to snatch the record from *Barcelona Traction* which, moreover, had just managed to beat the *South West Africa* cases. What is more, even in a case where one of the parties withdrew after the jurisdictional phase, namely that between Nicaragua and the United States, the documentation reached comparable proportions.

7. The weight of documentation does not necessarily correspond to the weight of the arguments, for at least two-thirds of the bulk consists of annexes, that is, texts produced in support of the contentions sustained in the pleadings. And the more insubstantial the contention, the more support it requires. On the other hand, the

more it is substantial, the more documentary evidence should, in principle, be available to support it.

8. Before concluding this dissertation on the written phase, two essential remarks must be made: first, all the mass of materials referred to, submitted in one of the Court's two languages, has to be translated by the Registry into the other language, in order to respect the equality of the judges in terms of their chosen working language. This immense task has to be accomplished with the most meticulous care and takes considerable time, even undertaken as it is with a sense of urgency. At the end of the written proceedings, it is the translators more than anyone who have all the details of the case at their fingertips. Second, a judge at the Court knows the loneliness of the long-distance reader. He has no one to spoon feed him after reducing this gargantuan repast into digestible pap. There are no law clerks as in the Supreme Court of the United States or young lawyers attached directly to the service of the judge as at the European Court in Luxembourg. The judge must do his own homework in lonely seclusion. He is left to his own devices in reading, sifting and encapsulating the whole unwieldy mass. For this he relies on his memory, his notes, his marker pens, cards, files, and today – if he has taken the plunge – the fabulous resources of a personal computer.

9. We now find ourselves on the threshold of the oral proceedings, the *third stage* in the supply of materials. The thrill of the Word is nigh, and the pensive reader is to become the attentive recipient of speech. To listen is the second verb a judge must conjugate.

10. In either case, no Member of the Court embarks upon the hearings without the appropriate baggage. He will bring to them a mass of impressions formed by his personal reading of the pleadings and any comments he may have exchanged with his colleagues. The season of listening now begins. It may last from two to six weeks with one sitting a day, or even two a day when there is time to be made up or an inexorable calendar to be respected. In exceptional cases the hearings have even continued for much longer. The *South West Africa* cases (Ethiopia and Liberia *v.* South Africa) notched up 112 sittings – implying 112 verbatim records, all requiring translation, making a total of 6,818 pages! Without rivalling this exuberance in duration, the parties in the *Delimitation of the Maritime Boundary in the Gulf of Maine Area* managed to parade some 70 advocates, counsel and others before the Court. Usually, there is a two- or three-day pause between each round, as also between the respective turns of the parties, so that counsel may have time to prepare counter-arguments.

11. The Court does not enter into dialogue with the parties. During the hearings, it listens to them, or it speaks to them through the mouth of its President in order to request additional information or explanations. Any judge is also entitled, after notifying the President, to put his own questions to the parties, and of course the President himself may also put questions in his own name.

12. Oh, those interminable speeches that fill a judge, at times, with the unfulfillable longing to stretch his limbs; that prompt many a discreet rustle of black silk lest the bench too closely resemble that row of stuffed cats so unforgettably described by Pascal, Molière and Lafontaine!

13. Parenthetically, I feel the following requires to be said about the choice of advocates. It in no way detracts from the great merits of those who appear before the Court to point out that maybe they belong to a rather narrow circle. Is it really right that, in a world of five billion inhabitants, a mere handful of lawyers should address the Court in case after case? Normally, a State party to a case appoints an agent of its own nationality. That is what one would expect. But for the rest, it will as often as not employ foreigners – unless it happens to be France, the United States, the United Kingdom, Italy, Belgium or Spain. So much so that the impression is created of a bar closed to all except a few leading lights. Indeed, the Registry of the Court regularly receives letters from lawyers requesting to be informed as to the procedure for enrolment. Yet there is no Bar of the Court. There is not even any requirement that those who plead before it should possess a legal qualification. Everything is up to the litigant States and their choice of counsel. Now, given the importance of the issues at stake, it is doubtless understandable that Governments should seek to engage 'horses for courses' by hiring top international lawyers who already boast long experience of the Court and hence, it is imagined, have its ear. The high price of this option is, alas, all too likely to include the sacrifice of young national talents which are doomed to remain obscure. Certainly, there are circumstances in which the restriction of the official languages of the Court to English and French may create some difficulty, but that problem can be overcome. At this point I close my parenthesis.

14. Each normally three-hour sitting features a mid-way break fixed in courteous dialogue between the President and the speaker so as not to throw the speaker too much out of his stride by interrupting the onward march of eloquence and gesture. This welcome break provides the judge with relief, but little relaxation, for it is during this quarter of an hour or so that the Court discusses and formulates such questions as it may be desired to put, comfortably seated around an oblong table under the alert, remote or enigmatic gaze of the Court's former Presidents, whose portraits adorn the beautiful room, hung in red velvet, through whose door the bench makes its exits and entrances into the Great Hall of Justice. If the leaders of world politics have invented the working breakfast (to go one better than the business lunch), be it known that international justice had already practised the working business coffee break.

15. The verbatim record of each hearing is published within a few hours of the Court's having risen, and the translation follows after a day or so. Hence, the verb 'to read' continues to be conjugated, even during the high season of listening. Perish the thought that a

judge, seen to be listening with his eyes lowered (an obvious sign of pensiveness), could irretrievably lose the thread of argument. That very evening he will open them wide to scan with the greatest attention the arguments first conveyed by an orator whose timbre he had found a whit too soothing. The decision of an appeal court in Berlin, which found that a judge is not asleep unless he snores, is therefore of no relevance to the bench of The Hague.

16. Even after reading all the verbatim records, the judges have more reading in store and will, in fact, each contribute to the sum of pages to be read. As soon as the oral proceedings have been closed, the President of the Court will convene them to present his 'list of issues' to be settled and to determine a time limit for the filing of their 'written notes' which may – this is optional – follow the lines indicated by that list. But writing exists to be read. Hence, the judges have to face one more deluge of written pages, which constitutes the *fourth and last stage* in the provision of materials for the deliberation.

17. During the two to four weeks in which each judge composes his 'written note', he is not obliged to lose contact with his colleagues. In fact, it has become somewhat of an institution for the judges informally to put their heads together when tea-time arrives, which it does at around three o'clock in the afternoon, since everything, bar the summer, is precocious in Holland. It is then customary for such judges who so desire to offer each other biscuits and arguments in the first-floor lounge of their building. They regain their offices, or accompany a colleague to his, or remain chatting in the corridor, imbued with the passing illusion of having convinced the others of a point, or with an anxious sense of having treated some aspect too lightly.

18. Tea-time at the Court, no less than in the Security Council, has thus become a standing institution which nobody is obliged to frequent but which has its habitués, its occasional patrons and its outsiders, its heightened exchanges and its dying falls.

19. Now the judge has to write. Another verb to conjugate in the first person singular. This is the moment of truth, a moment spread over several weeks. No stage in a case is so revealing for a judge as when he finds himself committing to paper the substance of his thought on the opposing contentions, and his proposed solution. I have said that one is never *unus judex* at the Court; but what a judge is called upon to pen in his 'written note' is, in final analysis, a personal mini-judgment. Hence, there are notes which, for that very reason, take on maxi-dimension.

20. Now that every judge is aware of, and has had an opportunity to meditate upon, the views of his colleagues, the Court can at last begin to deliberate. It proceeds to do so with all the formality that the word 'deliberate' suggests.

21. Towards the end of this debate which may last four or five days during which the Court sits morning and afternoon a majority

trend will emerge and be noted by the President, who according to the rules will be the last to expound his understanding of the case.

22. The Court then proceeds to elect a Drafting Committee, which immediately meets in order to plan its task. There is no rule to dictate the method the Drafting Committee has to follow in producing a preliminary draft judgment within the time allowed by the Court, which runs from three to six weeks according to the scale of the task. The preliminary draft judgment which will emerge from the crucible in two languages for distribution to all other Members of the Court.

23. Once the Members of the Court have the preliminary draft in their possession, they are all invited, no matter whether they belong to the potential majority or the potential minority, to contribute to the perfecting of the text. To that end, they are given a short time in which to submit their written amendments. This is, therefore, the moment as from which every judge may play his part through his amendments in the drafting of the judgment.

24. A large number of the amendments received will be accepted; others, without being followed to the letter, will prompt modifications in the text; others again will be considered incompatible with the reasoning followed by the Drafting Committee and be consequently rejected.

25. The life of a preliminary draft is very short. Once the Drafting Committee has concluded its examination, it quickly issues a new draft for consideration in the 'first reading'. The judges proceed, in private session, to the so called 'first reading' of the draft judgment.

26. The procedure followed is very methodical. The first pages of the text, which contain the *"qualités"*, are considered and approved one by one without being read aloud, unless there is any request to the contrary. The procedure changes once the first paragraph of the reasoning is broached. From then on every paragraph is read aloud by a First Secretary of the Court in the working language of the President, and then by another official in the other language of the Court. The Committee's spokesman then provides whatever explanation is called for and any judge may request the floor in order to make his comments, seek the reason for the rejection of one of his amendments, propose new amendments (or re-table the same), criticize the economy of the text, request that emphasis be placed on a point he finds understated, challenge the style, spelling or punctuation, suggest that the language be toned down or strengthened, raise the question of the equivalence of the text in both languages, or even congratulate the Drafting Committee for an admirable text notwithstanding.

27. The first reading continues in this fashion until the Court reaches the draft operative clause, which naturally is considered with particular care. However, no vote is taken at this stage.

28. As in the deliberation, the Court will have sat morning and

afternoon throughout the first reading (which in a major case – or in a minor case giving rise to a major judgment – will take about one week). The two First Secretaries serving the Drafting Committee will have noted all the changes introduced into the text. There remain only two things for the President to do: to ask which judges intend to append to the Judgment an individual opinion, and to lay down a time limit for its submission.

29. The second reading, with an amended text, takes place a week to ten days after the conclusion of the first. During that time three parallel operations will have been proceeding.

30. First, the Drafting Committee concerns itself with the preparation of the above text, which they try to render definitive. Second, those judges intending to append an opinion draft their text. At the same time, the linguistic services of the Registry do their utmost to complete the translation of the opinions, which in principle, should be distributed to each judge in his working language before the second reading takes place.

31. Usually the second reading moves at a good pace. This time, the text is not read aloud, and comments are invited page by page, instead of paragraph by paragraph. Normally, the comments are limited to the suggestion of stylistic emendations. However, a judge may always call for a change of stress or even propose a change of substance.

32. When the Court returns to the operative clause, this is read aloud in both languages, and this time, the Court votes. The moment of decision has arrived. The votes are expressed orally. Abstention is not permitted, and the vote of each judge on each issue has to be expressed with a simple 'yes' or 'no.'

33. Once the votes have been taken, the authors of opinions are invited to describe to the Court any modification they intend to make to their texts and to indicate whether they consider their opinions to be merely 'separate' (i.e., concordant) or 'dissenting'. This is not an easy question to answer where the judge has voted 'yes' to some parts of the operative clause and 'no' to others. The Court next decides which text (i.e., that in English or the one in French), will be authoritative; it will usually be the text in the President's working language.

34. The next decision to be taken concerns the date on which the public reading of the Judgment will take place. This will be fixed in light of the time required for preparing the official edition of the Judgment, which will include the separate and dissenting opinions now integral with the Court's decision. Another consideration affecting the choice of date is the notice required to be given to the parties so that their representatives can be present. It is the date of the public reading which becomes that of the Judgment, and not the date on which the votes were taken.

35. So the Court has finally finished conjugating the verb 'decide'. The Registry now reproduces the text of the Judgment and opinions

in hundreds of mimeographed copies, while the Secretary in charge of information draws up a summary analysis for inclusion in a communiqué intended for the press and public, which is reproduced in thousands of copies.

36. Thus, elaborated through a long process of transformation, the text of a Judgment by the Court may well be somewhat heterogeneous in character, since it is the end result of the collaboration of some 15 judges. The reader will nevertheless discover in each Judgment a guiding thread of reasoning which scarcely ever breaks. This shows that those 15 judges from different countries, each with a different background, and experiences with different philosophies, nevertheless possess something in common, namely, the convergent universality of modern international law and the intellectual approach to its treatment. This is no trivial fact.

37. A Judgment of the Court cannot be read like the award of a single arbitrator or like a well-balanced doctoral thesis. The Court neither employs nor intends to employ any rapporteur or advocate-general. Its work is collegiate, and each of its Judgments is the product of collective labour. It should not be surprising that the Court sometimes has recourse to verbal niceties or finely graded qualifications, to ensure that the text is acceptable to all who vote for it.

38. The reasoning of any Judgment of the Court is merely the highest common denominator of the judges' views. Were it to represent more, it would exceed the point beyond which it would be possible to obtain the maximum number of favourable votes. An initiated reader may, therefore, feel that there are other elements which could have been added to the text. The judges themselves feel this no less.

39. Thus, the separate opinions, and even the dissenting opinions, appended to the Judgment are integral with it and cannot be detached from it. By allowing these opinions to act as a foil to the Court's reasoning, one can extract the full substance of the judicial decision and grasp the entire scope of its contribution to jurisprudence.

40. The deliberation and the Judgment will sometimes have been very long. In the more distant past, the decisions which were taken after the shortest deliberation were those in the *Anglo-Iranian Oil Co.* cases and those concerning the request for provisional measures in the case concerning *Haya de la Torre*. In more recent times, the shortest deliberation will have been that which concluded with the Order of 10 January 1986 — whereby provisional measures were indicated in the *Frontier Dispute* between Burkina Faso and the Republic of Mali. The Advisory Opinions given by the Court on 8 July 1996 on the legality of the use of nuclear weapons have necessitated the longest deliberation in the Court's history. The Judgment concerning the *Corfu Channel* decision between the United Kingdom and Albania was the shortest in the history of the Court. But the Judgment on the merits in the case concerning *Military and Paramilitary Activities in and against Nicaragua*, between that

country and the United States, was the longest in the Court's existence, amounting in the printed edition to 1,100 pages of Judgment and opinions, including the texts in both languages.

41. Now the Judges of the Court have reached the destination of their long journey. They have all read, listened, written, deliberated and, finally, decided. The Judgment has been adopted; the date for its public reading has been fixed; the Registry has undertaken to ensure that, when that day comes, there will be available not only the official copies bound with ribbons from which hangs an impressive seal in red wax bearing the Court's emblem, but also some hundreds of other copies, so that law reporters, chancelleries and legal scholars may curb their impatience pending the availability of the printed edition of the Judgment.

42. To ensure a respectable audience for the sitting, to which of course the representatives of the parties are the first to be invited, the Registry, through its information services, sends invitations to the diplomatic corps of The Hague and the international press agencies and issues a communiqué making public the date of the sitting.

43. The President reads the Judgment aloud. His colleagues sit mute beside him on the bench, feeling reduced to a supporting cast, if not merely parts of the decor, in this final scene. They reflect perhaps that a deliberation is indeed the opposite of a liberation. For such judges, the deliberation was the sentence to be served before the moment of liberation, when the President of the Court, in solemn public sessions, pronounces the final word of the last paragraph of the operative clause of the Judgment. Yet, it is with a certain feeling of regret, even nostalgia, for a case that has passed into history, that a few minutes after the Court has risen, those same judges will remove their robes and hand them to an attentive usher. To deliberate is, after all, an engrossing activity which may seize, invade and tyrannize the mind and whose cessation may cause severe withdrawal symptoms. There is, then, something of a vice about it and, like all the best vices, deliberation is secret. The Statute of the Court makes no bones about this: 'The deliberations of the Court shall take place in private and remain secret.'

44. These pages have revealed the secrets of the Court's deliberations. If they are fortunate enough to find a reader, that person will surely take care to respect their confidentiality. He knows that they were intended for his eyes alone by benefit of special election, and that they should therefore remain strictly between him and their author as a matter of right-thinking and friendly complicity."

CHAPTER VII

PUBLICATIONS OF THE COURT

The publications of the International Court of Justice are published by the Registry (Rules of Court, Art. 26, para. 1 *(i)*, and Art. 71, para. 6; Instructions for the Registry, Arts. 23, 43, 67-69 and 72).

Information about the publications of the present Court and those of its forerunner, the *Permanent Court of International Justice*, is given below[1].

I. General

1. Series Published by the International Court of Justice

The publications of the Court are at present classified in series as shown hereunder. Their size is 15.6 × 24 cm when they are published in paper covers and 16 × 24.5 cm when published in hard covers.

(a) *Reports of Judgments, Advisory Opinions and Orders*

This series contains the Reports of the decisions of the Court in both the English and the French texts. Each decision is published as soon as given, in an unbound fascicle which is sold separately[2]. To allow for binding, a continuous system of pagination is adopted for all the fascicles of any one year.

In January of each year, an analytical index is published of the previous year's decisions; this also may be purchased separately. A binder is available for those who obtain the separate fascicles and the index at the time of their publication. The collected decisions, with index, for each year may also be obtained ready bound together in one volume.

Forty-eight bound volumes have so far been published, the first being the *I.C.J. Reports* for the years 1947 and 1948, which are collected in a single volume. The latest is the volume for 1995. (The *I.C.J. Reports 1965*, *1967*, *1968*, *1977*, *1979* and *1983* are not indexed.)

Official citation of the series: *I.C.J. Reports*, with an indication of the year. For a separate fascicle the short title of the case and the nature of the decision should be given, e.g.: *Nottebohm, Preliminary Objection, Judgment, I.C.J. Reports 1953*, p. 111; or *Nottebohm, Order of 15 January 1954, I.C.J. Reports 1954*, p. 7. (See Sec. II, pp. 251-260, below.)

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[1] The documents prepared and distributed by the Registry for information purposes are dealt with in Chapter V, above: see p. 151.

[2] See Chap. V, p. 157, above.

(b) *Pleadings, Oral Arguments, Documents*

Volumes in this series are published after the termination of each case and contain the documentation relating to the case in the original language, that is, in English or in French.

This comprises the document instituting proceedings[1], the written pleadings and their annexes[2], the verbatim record of the oral proceedings[3], any documents submitted to the Court after the closure of the written proceedings, and the correspondence. The Court however decided in 1967 that the annexes to the pleadings would no longer be printed in cases which had been removed from the General List either because the application instituting proceedings disclosed that the other side had not accepted the jurisdiction of the Court or because there had been a settlement or a discontinuance of the case.

Depending upon the length of the documents to be printed, one or more volumes are issued for each case. Thus far 128 volumes have been published. The volumes which appeared up to 31 December 1964 are sold in hard covers whereas subsequent volumes are in paper covers.

Abbreviated reference: *I.C.J. Pleadings*, with the short title of the case, e.g.: *I.C.J. Pleadings, Nottebohm*, Vol. I. (See Sec. III, pp. 265-272, below.)

(c) *Acts and Documents concerning the Organization of the Court*

Five volumes have appeared in this bilingual (English/French) series.

No. 1 is now out of print.

No. 2 contained, in paper covers, the text of the Rules of Court as amended in 1972.

No. 3 contained the texts of the Charter of the United Nations, the Statute and Rules of Court and the Resolution concerning the Internal Judicial Practice of the Court, together with certain documents relating to the Court's privileges and immunities. It was published in 1977, in paper covers.

No. 4 contained the same documents as *No. 3* but with the text of the 1978 revised Rules of Court replacing that of the 1972 amended Rules; it further included certain resolutions concerning States entitled to appear before the Court. It was published in July 1978, in paper covers.

No. 5 contains the same documents as *No. 4*, with some corrections and an additional resolution concerning a State entitled to appear before the Court. It was published in July 1990, the stock of *No. 4* having been exhausted, and is available in paper covers.

Abbreviated reference: *I.C.J. Acts and Documents*, with an indication of the number of the volume.

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[1] See Chap. V, pp. 153 and 161, above.
[2] *Ibid.*, pp. 153-154, above.
[3] *Ibid.*, pp. 155-156, above.

(d) *Yearbook*

In the second half of each year there appears a *Yearbook* in which an account is given of the work of the Court during the period from 1 August of the preceding year to 31 July of the current year. There is also a French edition of this publication, the *Annuaire*.

The present *Yearbook* is the fifty-first in the series, which started with *I.C.J. Yearbook 1946-1947*. Like the 32 preceding issues, it is sold in paper covers whereas the first 18 volumes were sold in hard covers.

Abbreviated reference: *I.C.J. Yearbook*, with an indication of the year covered by the volume, e.g.: *I.C.J. Yearbook 1954-1955*.

(e) *Bibliography of the International Court of Justice*

Early each year the Registry issues a *Bibliography* listing such works and documents relating to the Court as have come to its attention during the previous year.

Bibliographies Nos. 1-18 formed Chapter IX in the appropriate *Yearbook* or *Annuaire* up to the 1963-1964 editions. Beginning with No. 19, later *Bibliographies* were issued as separate fascicles with introduction and index in both English and French, but arranged so as to facilitate the binding of several numbers together. The latest *I.C.J. Bibliography* published is No. 49 (year 1995).

Abbreviated reference: *I.C.J. Bibliography*, with the serial number of the volume, followed, if desired, by the entry number of the work cited. E.g.: *I.C.J. Bibliography No. 7*: 2528 for the *Bibliographies* prior to No. 35, and *I.C.J. Bibliography No. 35*: 81: 150 as from 1981.

2. Dissemination of the Publications of the International Court of Justice

The publications of the Court are distributed free on request and as required to the governments or public services of all States entitled to appear before the Court.

They may be consulted in major law libraries, including many university libraries, certain depository libraries for United Nations publications, and libraries aided by the United Nations programme of assistance in the teaching, study, dissemination and wider appreciation of international law.

They are sold by the Sales Sections of the United Nations Secretariat: Distribution and Sales Section, Office of the United Nations, 1211 Geneva 10, Switzerland, or the Sales Section, United Nations, New York, NY 10017, USA, and may also be obtained from any bookseller selling United Nations publications. *Orders and requests for information should be sent to these addresses and not to the Registry.*

A *Catalogue* is issued in English and French. It lists the sales number of each publication and its price in US dollars. It is brought up to date each year, by means either of an addendum or of a new edition. A free copy of the *Catalogue* may be obtained by applying to one of the Sales Sections of the United Nations or to the Registry.

3. Publications of the Permanent Court of International Justice

Between 1922 and 1946 the *Permanent Court of International Justice* published the following series:

Series A (Nos. 1-24): *Collection of Judgments* (up to and including 1930)
Series B (Nos. 1-18): *Collection of Advisory Opinions* (up to and including 1930)
Series A/B (Nos. 40-80): *Judgments, Orders and Advisory Opinions* (beginning in 1931)
Series C (Nos. 1-19): *Acts and Documents relating to Judgments and Advisory Opinions given by the Court* (up to and including 1930)
Series C (Nos. 52-88): *Pleadings, Oral Statements and Documents* (beginning in 1931)
Series D (Nos. 1-6): *Acts and Documents concerning the Organization of the Court*
Series E (Nos. 1-16): *Annual Reports*
Series F (Nos. 1-4): *General Indexes*

They may be consulted in certain university and other libraries with a substantial legal section.

They can also be obtained from Kraus Reprint Company, Kraus Organization Limited, Route 100, Millwood, NY 10546, USA, to whom all orders and requests for information should be addressed.

II. Official Citation of Judgments, Advisory Opinions and Orders

In order to standardize the mode of citation of the decisions of the International Court of Justice and the *Permanent Court of International Justice*, the Court decided to use the titles below, which are listed in chronological order. Orders solely fixing or extending time-limits are omitted.

1. Permanent Court of International Justice

1922

Designation of the Workers' Delegate for the Netherlands at the Third Session of the International Labour Conference, Advisory Opinion, 1922, P.C.I.J., Series B, No. 1.

Competence of the ILO in Regard to International Regulation of the Conditions of Labour of Persons Employed in Agriculture, Advisory Opinion, 1922, P.C.I.J., Series B, No. 2.

Competence of the ILO to Examine Proposals for the Organization and Development of the Methods of Agricultural Production, Advisory Opinion, 1922, P.C.I.J., Series B, No. 3.

1923

Nationality Decrees Issued in Tunis and Morocco, Advisory Opinion, 1923, P.C.I.J., Series B, No. 4.

Status of Eastern Carelia, Advisory Opinion, 1923, P.C.I.J., Series B, No. 5.

S.S. "Wimbledon", Judgments, 1923, P.C.I.J., Series A, No. 1.

German Settlers in Poland, Advisory Opinion, 1923, P.C.I.J., Series B, No. 6.

Acquisition of Polish Nationality, Advisory Opinion, 1923, P.C.I.J., Series B, No. 7.

Jaworzina, Advisory Opinion, 1923, P.C.I.J., Series B, No. 8.

1924

Mavrommatis Palestine Concessions, Judgment No. 2, 1924, P.C.I.J., Series A, No. 2.

Monastery of Saint-Naoum, Advisory Opinion, 1924, P.C.I.J., Series B, No. 9.

Treaty of Neuilly, Article 179, Annex, Paragraph 4 (Interpretation), Judgment No. 3, 1924, P.C.I.J., Series A, No. 3.

1925

Exchange of Greek and Turkish Populations, Advisory Opinion, 1925, P.C.I.J., Series B, No. 10.

Interpretation of Judgment No. 3, Judgment No. 4, 1925, P.C.I.J., Series A, No. 4.

Mavrommatis Jerusalem Concessions, Judgment No. 5, 1925, P.C.I.J., Series A, No. 5.

Polish Postal Service in Danzig, Advisory Opinion, 1925, P.C.I.J., Series B, No. 11.

Certain German Interests in Polish Upper Silesia, Jurisdiction, Judgment No. 6, 1925, P.C.I.J., Series A, No. 6.

Interpretation of Article 3, Paragraph 2, of the Treaty of Lausanne, Advisory Opinion, 1925, P.C.I.J., Series B, No. 12.

1926

Certain German Interests in Polish Upper Silesia, Merits, Judgment No. 7, 1926, P.C.I.J., Series A, No. 7.

Competence of the ILO to Regulate Incidentally the Personal Work of the Employer, Advisory Opinion, 1926, P.C.I.J., Series B, No. 13.

1927

Denunciation of the Treaty of 2 November 1865 between China and Belgium, Orders of 8 January, 15 February and 18 June 1927, P.C.I.J., Series A, No. 8.

Factory at Chorzów, Jurisdiction, Judgment No 8, 1927, P.C.I.J., Series A, No. 9.

"Lotus", Judgment No. 9, 1927, P.C.I.J., Series A, No. 10.

Readaptation of the Mavrommatis Jerusalem Concessions, Judgment No. 10, 1927, P.C.I.J., Series A, No. 11.

Factory at Chorzów, Order of 21 November 1927, P.C.I.J., Series A, No. 12.

Jurisdiction of the European Commission of the Danube, Advisory Opinion, 1927, P.C.I.J., Series B, No. 14.

Interpretation of Judgments Nos. 7 and 8 (Factory at Chorzów), Judgment No. 11, 1927, P.C.I.J., Series A, No. 13.

1928

Denunciation of the Treaty of 2 November 1865 between China and Belgium, Order of 21 February 1928, P.C.I.J., Series A, No. 14.

Jurisdiction of the Courts of Danzig, Advisory Opinion, 1928, P.C.I.J., Series B, No. 15.

Rights of Minorities in Upper Silesia (Minority Schools), Judgment No. 12, 1928, P.C.I.J., Series A, No. 15.

Denunciation of the Treaty of 2 November 1865 between China and Belgium, Order of 13 August 1928, P.C.I.J., Series A, No. 16.

Interpretation of the Greco-Turkish Agreement of 1 December 1926 (Final Protocol, Article IV), Advisory Opinion, 1928, P.C.I.J., Series B, No. 16.

Factory at Chorzów, Merits, Judgment No. 13, 1928, P.C.I.J., Series A, No. 17.

1929

Denunciation of the Treaty of 2 November 1865 between China and Belgium, Order of 25 May 1929, P.C.I.J., Series A, No. 18.

Factory at Chorzów, Order of 25 May 1929, P.C.I.J., Series A, No. 19.

Serbian Loans, Judgment No. 14, 1929, P.C.I.J., Series A, No. 20.

Brazilian Loans, Judgment No. 15, 1929, P.C.I.J., Series A, No. 21.

Free Zones of Upper Savoy and the District of Gex, Order of 19 August 1929, P.C.I.J., Series A, No. 22.

Territorial Jurisdiction of the International Commission of the River Oder, Judgment No. 16, 1929, P.C.I.J., Series A, No. 23.

1930

Greco-Bulgarian "Communities", Advisory Opinion, 1930, P.C.I.J., Series B, No. 17.

Free City of Danzig and ILO, Advisory Opinion, 1930, P.C.I.J., Series B, No. 18.

Free Zones of Upper Savoy and the District of Gex, Order of 6 December 1930, P.C.I.J., Series A, No. 24.

1931

Access to German Minority Schools in Upper Silesia, Advisory Opinion, 1931, P.C.I.J., Series A/B, No. 40, p. 4.

Customs Régime between Germany and Austria, Advisory Opinion, 1931, P.C.I.J., Series A/B, No. 41, p. 37.

Railway Traffic between Lithuania and Poland, Advisory Opinion, 1931, P.C.I.J., Series A/B, No. 42, p. 108.

Access to, or Anchorage in, the Port of Danzig, of Polish War Vessels, Advisory Opinion, 1931, P.C.I.J., Series A/B, No. 43, p. 128.

1932

Treatment of Polish Nationals and Other Persons of Polish Origin or Speech in the Danzig Territory, Advisory Opinion, 1932, P.C.I.J., Series A/B, No. 44, p. 4.

Interpretation of the Greco-Bulgarian Agreement of 9 December 1927, Advisory Opinion, 1932, P.C.I.J., Series A/B, No. 45, p. 68.

Free Zones of Upper Savoy and the District of Gex, Judgment, 1932, P.C.I.J., Series A/B, No. 46, p. 96.

Interpretation of the Statute of the Memel Territory, Preliminary Objection, Judgment, 1932, P.C.I.J., Series A/B, No. 47, p. 243.

Legal Status of the South-Eastern Territory of Greenland, Orders of 2 and 3 August 1932, P.C.I.J., Series A/B, No. 48, p. 268.

Interpretation of the Statute of the Memel Territory, Merits, Judgment, 1932, P.C.I.J., Series A/B, No. 49, p. 294.

Interpretation of the Convention of 1919 concerning Employment of Women during the Night, Advisory Opinion, 1932, P.C.I.J., Series A/B, No. 50, p. 365.

1933

Delimitation of the Territorial Waters between the Island of Castellorizo and the Coasts of Anatolia, Order of 26 January 1933, P.C.I.J., Series A/B, No. 51, p. 4.

Prince von Pless Administration, Order of 4 February 1933, P.C.I.J., Series A/B, No. 52, p. 11.

Legal Status of Eastern Greenland, Judgment, 1933, P.C.I.J., Series A/B, No. 53, p. 22.

Prince von Pless Administration, Order of 11 May 1933, P.C.I.J., Series A/B, No. 54, p. 150.

Legal Status of the South-Eastern Territory of Greenland, Order of 11 May 1933, P.C.I.J., Series A/B, No. 55, p. 157.

Appeals from Certain Judgments of the Hungaro/Czechoslovak Mixed Arbitral Tribunal, Order of 12 May 1933, P.C.I.J., Series A/B, No. 56, p. 162.

Prince von Pless Administration, Order of 4 July 1933, P.C.I.J., Series A/B, No. 57, p. 167.

Polish Agrarian Reform and German Minority, Order of 29 July 1933, P.C.I.J., Series A/B, No. 58, p. 175.

Prince von Pless Administration, Order of 2 December 1933, P.C.I.J., Series A/B, No. 59, p. 194.

Polish Agrarian Reform and German Minority, Order of 2 December 1933, P.C.I.J., Series A/B, No. 60, p. 201.

Appeal from a Judgment of the Hungaro/Czechoslovak Mixed Arbitral Tribunal (The Peter Pázmány University), Judgment, 1933, P.C.I.J., Series A/B, No. 61, p. 208.

1934

Lighthouses case between France and Greece, Judgment, 1934, P.C.I.J., Series A/B, No. 62, p. 4.

Oscar Chinn, Judgment, 1934, P.C.I.J., Series A/B, No. 63, p. 65.

1935

Minority Schools in Albania, Advisory Opinion, 1935, P.C.I.J., Series A/B, No. 64, p. 4.

Consistency of Certain Danzig Legislative Decrees with the Constitution of the Free City, Advisory Opinion, 1935, P.C.I.J., Series A/B, No. 65, p. 41.

1936

Pajzs, Csáky, Esterházy, Order of 23 May 1936, P.C.I.J., Series A/B, No. 66, p. 4.

Losinger, Order of 27 June 1936, P.C.I.J., Series A/B, No. 67, p. 15.

Pajzs, Csáky, Esterházy, Judgment, 1936, P.C.I.J., Series A/B, No. 68, p. 30.

Losinger, Order of 14 December 1936, P.C.I.J., Series A/B, No. 69, p. 99.

1937

Diversion of Water from the Meuse, Judgment, 1937, P.C.I.J., Series A/B, No. 70, p. 4.

Lighthouses in Crete and Samos, Judgment, 1937, P.C.I.J., Series A/B, No. 71, p. 94.

Borchgrave, Judgment, 1937, P.C.I.J., Series A/B, No. 72, p. 158.

1938

Borchgrave, Order of 30 April 1938, P.C.I.J., Series A/B, No. 73, p. 4.

Phosphates in Morocco, Judgment, 1938, P.C.I.J., Series A/B, No. 74, p. 10.

Panevezys-Saldutiskis Railway, Order of 30 June 1938, P.C.I.J., Series A/B, No. 75, p. 53.

1939

Panevezys-Saldutiskis Railway, Judgment, 1939, P.C.I.J., Series A/B, No. 76, p. 4.

Electricity Company of Sofia and Bulgaria, Judgment, 1939, P.C.I.J., Series A/B, No. 77, p. 64.

Société Commerciale de Belgique, Judgment, 1939, P.C.I.J., Series A/B, No. 78, p. 160.

Electricity Company of Sofia and Bulgaria, Order of 5 December 1939, P.C.I.J., Series A/B, No. 79, p. 194.

1940

Electricity Company of Sofia and Bulgaria, Order of 26 February 1940, P.C.I.J., Series A/B, No. 80, p. 4.

2. International Court of Justice

1948

Corfu Channel, Preliminary Objection, Judgment, 1948, I.C.J. Reports 1947-1948, p. 15.

Corfu Channel, Order of 26 March 1948, I.C.J. Reports 1947-1948, p. 53.

Conditions of Admission of a State to Membership in the United Nations (Article 4 of the Charter), Advisory Opinion, 1948, I.C.J. Reports 1947-1948, p. 57.

Corfu Channel, Order of 17 December 1948, I.C.J. Reports 1947-1948, p. 124.

1949

Corfu Channel, Merits, Judgment, I.C.J. Reports 1949, p. 4.

Reparation for Injuries Suffered in the Service of the United Nations, Advisory Opinion, I.C.J. Reports 1949, p. 174.

Corfu Channel, Order of 19 November 1949, I.C.J. Reports 1949, p. 237.

Corfu Channel, Assessment of Amount of Compensation, Judgment, I.C.J. Reports 1949, p. 244.

1950

Competence of the General Assembly for the Admission of a State to the United Nations, Advisory Opinion, I.C.J. Reports 1950, p. 4.

Protection of French Nationals and Protected Persons in Egypt, Order of 29 March 1950, I.C.J. Reports 1950, p. 59.

Interpretation of Peace Treaties with Bulgaria, Hungary and Romania, First Phase, Advisory Opinion, I.C.J. Reports 1950, p. 65.

International Status of South West Africa, Advisory Opinion, I.C.J. Reports 1950, p. 128.

Interpretation of Peace Treaties with Bulgaria, Hungary and Romania, Second Phase, Advisory Opinion, I.C.J. Reports 1950, p. 221.

Asylum, Judgment, I.C.J. Reports 1950, p. 266.

Request for Interpretation of the Judgment of 20 November 1950 in the Asylum Case, Judgment, I.C.J. Reports 1950, p. 395.

1951

Reservations to the Convention on the Prevention and Punishment of the Crime of Genocide, Advisory Opinion, I.C.J. Reports 1951, p. 15.

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III. Abbreviated References to Pleadings, Oral Arguments, Documents

In order to standardize the abbreviated references to the *Pleadings, Oral Arguments, Documents* series of the International Court of Justice and the corresponding volumes *(Series C)* of the *Permanent Court of International Justice*, the Court decided to use the titles below, which are given in chronological order based on the date of entry of the case in the General List.

For the convenience of the reader, the names of the Parties in contentious cases (separated by a stroke if proceedings were instituted by means of a special agreement), or the name of the body which requested the advisory opinion, have been added in small type to the abbreviated references.

An asterisk indicates that a case was removed from the list before a final judgment or an advisory opinion was given, or if it failed for some other reason to reach its normal conclusion.

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CHAPTER VIII

FINANCES OF THE COURT

I. Financial Regulations

In regard to financial matters, the International Court of Justice applies Articles 32, 33, 35 and 64 of the Statute of the Court, Article 26, paragraph 1 *(j)*, of the Rules of Court, the Staff Regulations for the Registry and the relevant resolutions of the General Assembly of the United Nations.

1. General Regulations

(a) *Method of covering expenditure*

Article 33 of the Statute of the Court provides: "The expenses of the Court shall be borne by the United Nations in such a manner as shall be decided by the General Assembly." As the budget of the Court has consequently been incorporated in the budget of the United Nations, member States participate in the expenses of both in the same proportion, in accordance with the scale of assessments determined by the General Assembly.

States which are not members of the United Nations but which are parties to the Statute pay, in accordance with the undertaking into which they entered when they became parties to the Statute (see Chap. III, pp. 68-69, above), a contribution the amount of which is fixed from time to time by the General Assembly in consultation with them. By its resolution 49/19 of 23 December 1994, the General Assembly decided that these States should contribute to the expenses of the Court for the years 1995, 1996 and 1997 in the following proportions: Nauru 0.01%; Switzerland 1.21%.

If a State which is not a party to the Statute but to which the Court is open is a party to a case, the Court will fix the amount which that party is to contribute towards the expenses of the Court (Statute, Art. 35, para. 3). Payment is then made by the State concerned to the account of the United Nations in New York.

The contributions of States which are not members of the United Nations are taken into account as miscellaneous income received by the Organization.

Under an established rule, sums derived from staff assessment, sales of publications (dealt with by the Sales Sections of the Secretariat – see Chap. VII, p. 245, above), bank interest, etc., are also recorded as United Nations income.

(b) *Drafting of the budget*

In accordance with the Instructions for the Registry (Arts. 26-30), a preliminary draft budget is prepared by the Registrar. If the Court is sitting, this preliminary draft is submitted for the consideration of the Budgetary and Administrative Committee of the Court and then, for approval, to the Court itself. If the Court is not sitting, approval must be given by the President.

When it has been approved, the draft budget is forwarded to the Secretariat of the United Nations for incorporation in the draft budget of the United Nations. It is then examined by the United Nations Advisory Committee on Administrative and Budgetary Questions and is afterwards submitted to the Fifth Committee of the General Assembly. It is finally adopted by the General Assembly in plenary meeting, within the framework of the resolutions concerning the budget of the United Nations and its unforeseen and extraordinary expenses.

Since 1974 the budget has been presented biennially.

(c) *Financing of appropriations and accounts*

The Registrar is responsible for executing the budget, with the assistance of the Accountant/Establishment Officer. He has to ensure that proper use is made of the funds voted and must see that no expenses are incurred that are not provided for in the budget (Instructions for the Registry, Art. 31). He alone is entitled to incur liabilities in the name of the Court, subject to any possible delegations of authority (Instructions for the Registry, Art. 35).

The accounts of the Court are audited every year by the auditors of the Secretariat of the United Nations and by the Board of Auditors appointed by the General Assembly. At the end of each biennium, the closed accounts are forwarded to the Secretariat of the United Nations (Instructions for the Registry, Art. 34).

2. Salaries and Expenses of Judges

(a) *Emoluments*

By virtue of Article 32, paragraph 5, of the Statute, the salaries, allowances and compensation paid to the judges are fixed by the General Assembly. In this connection, the General Assembly adopted resolution 19 (I) of 6 February 1946, resolution 85 (I) of 11 December 1946, resolution 474 (V) of 15 December 1950, resolution 1738 (XVI) of 20 December 1961, resolution 2366 (XXII) of 19 December 1967, resolution 2890 B (XXVI) of 22 December 1971, resolution 3193 B (XXVIII) of 18 December 1973, resolution 3537 B (XXX) of 17 December 1975, resolution 31/204 of 22 December 1976, resolution 35/220 A of 17 December 1980, resolution 40/257 of 18 December 1985, resolution 43/217 of 21 December 1988,

resolution 45/250 of 21 December 1990, resolution 48/252 of 26 May 1994 and resolution 50/216 of 23 December 1995.

The emoluments of Members of the Court are made up of an annual salary which may not be decreased during the period of office (Statute of the Court, Art. 32, paras. 1 and 5). With effect from 1 January 1991, the General Assembly (resolution 45/250) has fixed the emoluments of Members of the Court at US$145,000. The General Assembly further decided that the emoluments and other conditions of service shall be reviewed every three years with the next review at its fifty-third session.

Under Article 32, paragraphs 2 and 3, of the Statute, the President of the Court and the Vice-President (for every day on which he acts as President) receive special allowances in addition, at a rate fixed by resolution 40/257 of 18 December 1985.

Finally, under Article 32, paragraph 4, of the Statute and General Assembly resolution 19 (I) of 6 February 1946, judges *ad hoc* chosen to sit in certain cases under Article 31 of the Statute receive daily fees. With effect from 1 January 1991, the daily fee of *ad hoc* judges has been fixed at US$397, being 1/365th of US$145,000.

The emoluments of the judges are thus as set out on the following scale:

	US$
President	
Annual salary	145,000
Special allowance	15,000
Vice-President	
Annual salary	145,000
Allowance equivalent to US$94 for every day on which he acts as President, up to an annual maximum of	9,400
Other Members:	
Annual salary	145,000
Judges ad hoc:	
Fee of US$397 for each day on which they exercise their functions.	

(b) *Pensions*

Article 32, paragraph 7, of the Statute provides: "Regulations made by the General Assembly shall fix the conditions under which retirement pensions may be given to Members of the Court." The General Assembly adopted the Pension Scheme Regulations for Members of the International Court of Justice which appear as an annex to resolution 86 (I) of 11 December 1946. Amendments to these regulations were made by resolution 1408 (XIV) of 1 December 1959. The General Assembly adopted new regulations by its resolution 1562 (XV) of 18 December 1960. Some provisions of the regulations were modified by resolution 1925 (XVIII) of 11 December 1963, resolution 2367 (XXII) of 19 December 1967, resolution 2890 A (XXVI) of 22 December 1971, resolution 3193 A (XXVIII) of 18 December 1973, resolution 3537 A (XXX) of 17 December 1975, resolution 35/220 B of 17 December 1980. The General Assembly effected further modifications by resolution 38/239 of 20 December

1983, resolution 40/257 of 18 December 1985 and resolution 45/250 of 21 December 1990.

According to the regulations which came into operation on 1 January 1984, any Member of the Court who has ceased to hold office and who has reached the age of 60 years is entitled, if he has completed at least three years of service, to a retirement pension during the remainder of his life.

With effect from 1 January 1991 (resolution 45/250), if a Member of the Court has served a full term of nine years, the amount of the annual pension is US$50,000. If he has served for more than nine years, the amount of the pension is increased up to a maximum of US$75,000. It is reduced if he has served for less than nine years.

Furthermore, a Member of the Court who ceases to hold office before the age of 60 and who would be entitled to a retirement pension when he reached that age, may elect to receive a pension from any date after the date on which he ceases to hold office. The amount of such pension would be that amount which has the same actuarial value as the pension which would have been paid to him at the age of 60.

Provision is made also for disability pensions and pensions for widows and children.

By its resolution 31/204 of 22 December 1976, the General Assembly decided that the retirement pensions given to Members of the Court should be reviewed concurrently with the periodic revision of their annual salary.

(c) *Conditions of service*

In Section C of resolution 40/257 of 18 December 1985, the General Assembly laid down certain conditions of service applicable to Members of the Court. The text of the relevant portion of this resolution is as follows:

> "*The General Assembly*,
>
> *Recalling* its resolutions 37/237, section XIV, of 21 December 1982, 38/234, section XVII, of 20 December 1983, and 39/236, section V, of 18 December 1984, on conditions of service and compensation for officials other than Secretariat officials,
>
> *Having considered* the report of the Secretary-General and the related report of the Advisory Committee on Administrative and Budgetary Questions,
>
> 1. *Decides* that, with effect from 1 January 1986, the President and members of the Court who have taken up primary residence in The Hague, shall be reimbursed, up to a ceiling of $4,500, for the actual cost of educating their children in respect of each child each year up to the award of the first recognized degree and that provision shall be made for one related travel per year in respect of each child from the place of scholastic attendance, when outside the Netherlands, to The Hague;

2. *Decides* that, with effect from 1 January 1986, those members of the Court, who have taken up and maintained a *bona fide* primary residence at The Hague for at least five continuous years during service with the Court, shall be eligible to receive a lump sum equivalent to eighteen weeks of annual net base salary upon completion of their appointment and resettlement outside the Netherlands, and that those members of the Court, who have taken up and maintained a *bona fide* primary residence at The Hague for nine continuous years or more during service with the Court, shall receive the equivalent of twenty-four weeks of annual net base salary upon completion of service and relocation outside the Netherlands;

3. *Decides* that, with effect from 1 January 1986, in the event of the death of a member of the Court during his service, compensation shall be provided to the survivors in the form of a lump-sum payment equivalent to one month of base salary per year of service, subject to a minimum of three months and a maximum of nine months."

With effect from 1 January 1995, the ceiling for reimbursement for the actual cost of education, referred to in paragraph 1 of the above resolution, was fixed at US$12,675.

(d) *Travelling expenses*

By virtue of Article 32, paragraph 7, of the Statute, regulations made by the General Assembly fix the conditions under which Members of the Court have their travelling expenses refunded. The General Assembly adopted the Travel and Subsistence Regulations of the International Court of Justice which appear in the annex to resolution 85 (I) of 11 December 1946. On 21 December 1982, by resolution 37/240, it adopted new Travel and Subsistence Regulations of the International Court of Justice (set out in *I.C.J. Yearbook 1982-1983*, pp. 164-167).

3. Salaries, Allowances and Expenses of the Registrar and Officials of the Registry

(a) *Emoluments*

By virtue of Article 32, paragraph 6, of the Statute, the salary of the Registrar is fixed by the General Assembly on the proposal of the Court. By resolution 85 (I) of 11 December 1946 confirmed by resolution 474 (V) of 15 December 1950, the General Assembly decided that "the annual salary of the Registrar of the International Court of Justice shall be assimilated to that of a top-ranking director of the Secretariat of the United Nations". In the existing structure, the Registrar has the rank of an Assistant Secretary-General and the Deputy-Registrar that of a Director.

Officials of the Registry in the professional category, both permanent and temporary, receive the same salary and the same allowances as officials of the United Nations belonging to the same category.

For the purposes of the schedule of post adjustments applicable to the permanent staff of the professional category, The Hague was in Class 5/+4.2 as from 1 July 1997. For temporary staff of the professional category, the subsistence allowance is fixed at 331 guilders a day.

Salaries and allowances of permanent and temporary staff members in the general service category are based on the best prevailing local rates.

The figures given in the budget estimates and accounts in respect of salaries are net figures, after deduction of staff assessment.

(b) *Pensions*

By virtue of Article 12 of the Staff Regulations for the Registry, the Registrar and the officials of the Registry are participants in the United Nations Joint Staff Pension Fund. They participate on the same conditions as all other officials of the United Nations.

(c) *Travelling expenses*

Under Article 5 of the regulations concerning the travel and subsistence allowances of the Members of the International Court of Justice, dated 21 December 1982 (*I.C.J. Yearbook 1982-1983*, p. 167), the travel and subsistence provisions applicable to the Registrar of the Court are as set out in the Staff Regulations of the United Nations for officials of comparable rank, subject to any exceptions authorized by the President of the Court.

The travelling expenses of officials of the Registry are paid under conditions similar to those applied in the Secretariat of the United Nations (Staff Regulations for the Registry, Art. 12).

4. Common Services

The common services of the Court and of the Registry and the capital expenditure of the Court come under special items in the budget.

In particular, the Court pays to the Carnegie Foundation an annual contribution for the premises it occupies at the Peace Palace and in the new wing (see Chap. V, p. 144, above). The amount of the contribution was first fixed by the General Assembly in resolution 84 (I) of 11 December 1946 and has subsequently undergone successive alterations. It was increased to 1,209,170 guilders as from 1 January 1996 and, following an extension of the premises (see above, p. 144), to 1,843,582 guilders as from 1 January 1997.

II. Budget for the Biennium 1996-1997

1. Ordinary Expenses

The Budget of the Court for the biennium 1996-1997, which forms Part III, Section 5, of the Budget of the United Nations, was adopted by the General Assembly on 23 December 1995 (resolution 50/215).

	US$	US$
PROGRAMME UN-N-08-181. MEMBERS OF THE COURT		
Salaries and allowances	4,374,700	
Pensions	2,003,600	
Travelling expenses	573,200	
Education grants	209,300	
		7,160,800
PROGRAMME UN-N-08-182. THE REGISTRY		
Salaries – established posts	5,833,900	
Salaries – temporary posts	215,400	
Common staff costs	2,033,700	
Salaries and travel costs of temporary assistance	1,134,300	
Consultants	47,300	
Travelling on official business	43,700	
Overtime	81,600	
Representation allowance	7,200	
Hospitality	10,900	
		9,408,000
PROGRAMME UN-N-08-800. COMMON SERVICES		
Contribution to the Carnegie Foundation	1,692,700	
General operating expenses	375,500	
Contractual printing	302,900	
Contracts – external translation	119,500	
Data processing services	34,400	
Supplies and materials	192,600	
Library	120,000	
Furniture and equipment	58,200	
Miscellaneous expenses	25,900	
Acquisition/replacement office automation equipment	384,100	
		3,305,800
		19,874,600

2. Unforeseen and Extraordinary Expenses

On 23 December 1995 the General Assembly, in accordance with previous practice, adopted resolution 50/217, containing the following provisions:

"*The General Assembly*

1. *Authorizes* the Secretary-General, with the prior concurrence of the Advisory Committee on Administrative and Budgetary Questions and subject to the Financial Regulations of the United Nations and the provisions of paragraph 3 below, to enter into commitments in the biennium 1996-1997 to meet unforeseen and extraordinary expenses arising either during or subsequent to that biennium, provided that the concurrence of the Advisory Committee shall not be necessary for:

. . . . . .

(b) Such commitments as the President of the International Court of Justice certifies relate to expenses occasioned by:

(i) The designation of *ad hoc* judges (Statute of the International Court of Justice, Article 31), not exceeding a total of $300,000;

(ii) The appointment of assessors (Statute, Article 30), or the calling of witnesses and the appointment of experts (Statute, Article 50), not exceeding a total of $50,000;

(iii) The maintenance in office for completion of the cases of judges who have not been re-elected (Statute, Article 13, paragraph 3), not exceeding a total of $40,000;

(iv) The payment of pensions and travel and removal expenses of retiring judges, and travel and removal expenses and installation grant of members of the Court (Statute, Article 32, paragraph 7) not exceeding a total of $180,000;

(v) The holding of sessions of the Court away from The Hague (Statute, Article 22), not exceeding a total of $50,000."

The publications of the INTERNATIONAL COURT OF JUSTICE may be ordered from any bookseller. For information regarding the sale of the Court's publications please write to the *Distribution and Sales Section, Office of the United Nations, 1211 Geneva 10 (Switzerland)*, or the *Sales Section, United Nations, New York, NY 10017 (USA)*.

The publications of the PERMANENT COURT OF INTERNATIONAL JUSTICE (1920-1946) are obtainable from Kraus Reprint Company, Kraus Organization Limited, Route 100, Millwood, NY 10546, USA, to which all requests should be addressed.

All enquiries other than with regard to purchase of publications should be addressed to the *Registrar of the International Court of Justice, Peace Palace, 2517 KJ The Hague, Netherlands* (telephone: (3170) 302 23 23).

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